

URBAN/MUNICIPAL

CA4 ONHBL AOS
CSIP4
1993-

AGENDAS AND MINUTES
OF THE PLANNING AND
DEVELOPMENT COMMITTEE
JAN. 6/93-



Judith MacAnanama
Chief Librarian

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700
FAX: 546-2095

URBAN/MUNICIPAL
CA4 ON HBL AOS
CSIP4

1992 1992 December 21

URBAN MUNICIPAL

JAN -

CONFIDENTIAL DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 January 6

9:30 o'clock a.m.

Room 233, City Hall

Charlene Coutts, Acting Secretary
Planning and Development Committee

A G E N D A:

1. **DELEGATIONS**

- (a) Lot Grading respecting land severances creating one, two or three lots
 - i. Information Report dated 1992 December 15 from Roads Department
 - ii. Letter dated 1992 April 21 from Bob Harkness, 148 Chesley Street requesting opportunity to appear as a delegation
- (b) Alternate Plan for the Development of Property at Rice Avenue and Chedmac Drive - Donald May and Terri Johns. - May, Pirie and Associates Limited

2. **CONSENT AGENDA**

3. **DIRECTOR OF LOCAL PLANNING**

1993 Departmental User Fees - Planning and Development Department

4. **BUILDING COMMISSIONER**

1993 Departmental User Fees - Building Department

5. **TRANSPORT AND ENVIRONMENT COMMITTEE**

Request for Public Meeting Respecting Pearl, Poulette and Ray Street Bridges over C.P. Rail's Tracks

ZONING APPLICATIONS/PUBLIC MEETINGS

10:30 O'CLOCK A.M.

6. Amended Zoning Application 92-34, 603815 Ontario Inc. (David Armstrong), owner, for changes in zoning from "AA" (Block "1"), "C", (Block "2") and "C", modified (Block "3") to "HH", modified, for property located at No. 1492 Upper James Street; Mewburn Neighbourhood
7. Zoning Application 92-33, Elia Homes, 810379 Ontario Inc., owner, for a change in zoning from "AA" to "DE-3", for property located at No. 1324 Upper Sherman Avenue; Rushdale Neighbourhood
8. Zoning Application 92-43, Citsalp Industrial Plastics Limited, owner, for a change in zoning from "D" to "H", for property located at No. 331 Hunter Street West; Kirkendall North Neighbourhood
 - (a) Submission - Shawn Chamberlin, Light Computer Centre, 140 Locke Street South

9. **OTHER BUSINESS**

10. **ADJOURNMENT.**



PHOTOGRAPHY

THE PHOTOGRAPHY OF THE

THE PHOTOGRAPHY OF THE

THE PHOTOGRAPHY OF THE

THE PHOTOGRAPHY OF THE

THE PHOTOGRAPHY OF THE

THE PHOTOGRAPHY OF THE

THE PHOTOGRAPHY OF THE

THE PHOTOGRAPHY OF THE

THE PHOTOGRAPHY OF THE

THE PHOTOGRAPHY OF THE

THE PHOTOGRAPHY OF THE

THE PHOTOGRAPHY OF THE

THE PHOTOGRAPHY OF THE



OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Mobile Signs		Planning	Report Pending
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
Grading Requirements	1992 February 19	Roads Department	Report Pending
Roof Water Connections	1992 March 25	Building	Report Pending
11-13 Holmes Avenue 19th century log home	1992 June 24	Planning	Report pending
ZA-91-12 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations btwn. parties

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
ZA-92-03 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
ZA-92-19 412 Charlton Avenue West	1992 September 23	Traffic	Tabled for review of traffic conditions
ZA-92-08 1907 King Street East	1992 September 23	Applicant Faith Evangelical Lutheran Church	Tabled to resolve neighbours concerns
Definition of "foster home" and "residential care facility"	1992 November 18	Alderman T. Cooke	Planning and Building Building departments to prepare a report
Amended ZA-92-07 St. Stephen on the Mount Anglican Church	1992 December 2	Applicants	Tabled to 1993 Jan. 20 meeting to allow a meeting to resolve neighbours concerns

1992 December 21



CITY OF HAMILTON

- INFORMATION -

1a(i)

1 E D

DATE: 1992 December 15
E205-05 C. A. Unelli

DEC 16 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

FROM: E. M. Gill, P. Eng.
Senior Director,
Roads Department

SUBJECT:


Lot Grading with respect to land severances creating one, two or three lots.

BACKGROUND:

The Planning and Development Committee, at its meeting of February 19, 1992 approved recommendations to incorporate grading controls into the City Modified Subdivision Agreement. Subsequently, these recommendations were approved by City Council on February 25, 1992. The adoption of these recommendations enables the City to control lot grading where four or more lots are created by land severance or in any situation where a Modified Subdivision Agreement is required.

In addition, the Committee requested our Department to review the feasibility of implementing grading controls where one, two or three lots are created by land severance. In order to minimize costs to both the City and the applicant, we are exploring methods of utilizing the Building Permit process for the implementation of both grading requirements and enforcement. We have discussed this with the City Building Department and they have advised that the Building Code Act is currently in the process of being revised by the Ontario Ministry of Housing.

It is anticipated these changes may include provisions for grading. These changes are expected to receive proclamation in May of 1993. At that time, we will be able to determine if we can utilize the Building Permit process to control grading related to one, two or three lot severances. We will then report back to the Committee with a full report including our recommendations.



E. M. Gill, P. Eng.

CAU 

cc: L. King, Building Commissioner

148 Chesley
Hamilton

L9C 3W3

Apr. 21 /92

Ms. Tina Agnello

Sec'y: Planning + Development Committee

At the Feb. 19 meeting of the Planning + Development Committee I spoke about my concern regarding lot gradings + water drainage.

Alderman Werling asked that this matter be taken back by staff for a further report. I understand from Mr. Unelle that there will be a report brought to the May 6 meeting from the Roads Dept. -- concerning lot grading with lot severances creating 1, 2 + 3 lots.

May I please be placed upon the committee's agenda to speak to this report?

And may I have a copy of this report at the earliest time before May 6 that you are able to do so? (Please call me at 527-5092 Ext. 317 + I'll pick it up.)

Thanks,

Bob Harkness

c. Alderman Werling + Ross



MAY, PIRIE & ASSOCIATES LLP
LAND USE PLANNING CONSULTANTS

1b

DONALD F. MAY, M.C.I.P.

W. MORGAN PIRIE, M.C.I.P.

J. KENNETH D

December 7, 1992
File No. HW-H-73

RECEIVED

DEC 15 1992

CITY CLERKS

Ms. Tina Agnello
Secretary
Planning & Development Committee
City of Hamilton
Clerks Department
71 Main Street
Hamilton, Ontario
L8N 3T4

Dear Ms. Agnello:

Re: South-West Intersection of Rice Avenue and Chedmac Drive

Please be advised that I wish to be scheduled to appear as a delegation at the January 6th, 1993 Planning and Development Committee meeting on a point of information regarding the above-noted property. Our firm has been retained by Chedoke Health Corporation with respect to the planning of surplus lands.

Presbyterian Residences received approval of Official Plan Amendment No. 96 and Zoning By-Law 91-207 which permitted the property to be developed as a retirement village. We have been informed by Presbyterian Residences that they are not proceeding with the purchase of these lands.

With respect to the former Presbyterian Residences lands, our firm has prepared a preliminary Concept Plan for the future use of the property which utilizes the approved site specific zoning. We have attached a copy of the Plan for reference.

It is my intention to request, on behalf of Chedoke Health Corporation, direction from the Committee regarding our recommended alternate plan for development of these lands.

../2



December 7, 1992

Thank you for your assistance. Should you have any questions or comments regarding the above, please do not hesitate to contact this office.

Yours very truly,

MAY, PIRIE & ASSOCIATES LIMITED



Donald F. May, M.C.I.P.



Terri L. Johns, Planner

DFM/TLJ:cc

do:142

cc: Mr. Paul Mallard, Region of Hamilton-Wentworth, Planning & Development Department
Mr. R. Cordingley, Chedoke Health Corporation
Mr. C. Lazier, Chedoke Health Corporation

111P

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 JANUARY 6

CONSENT AGENDA

2

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee for its meeting held 1992 December 2.

B. DIRECTOR OF PUBLIC WORKS

- (i) Ottawa Street Business Improvement Area - Revised Board of Management
- (ii) Ottawa Street Business Improvement Area - Proposed Budget and Schedule of Payments for 1993
- (iii) International Village Business Improvement Area - Revised Board of Management
- (iv) International Village Business Improvement Area - Proposed Budget and Schedule of Payments for 1993
- (v) North End East and West P.R.I.D.E. Anti-Recession Programme - Authorization to sign the Provincial/Municipal Agreement

C. BUILDING COMMISSIONER

Hamilton Emergency Loan Programme (H.E.L.P.) - 106 Clinton Street

D. DIRECTOR OF LOCAL PLANNING

Application to Remove Part-Lot Control from Lots 2-18, inclusive, "Claudette Gardens-Phase 1" Subdivision.

Wednesday, 1992 December 2
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A

There were present: Alderman D. Drury, Chairperson
Mayor R. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico

Regrets: Alderman F. Eisenberger

Also present: V. Abraham, Planning Department
P. Mallard, Planning Department
J. Hickey-Evans, Planning Department
B. Janssen, Planning Department
P. Lampman, Building Department
B. Allick, Building Department
M. Watson, Property Department
J. Robinson, Building Department
J. McNeilly, Public Works Department
E. Chajka, Transportation/Environmental Services
R. Karl, Traffic Department
J. Pacey, Public Works Department
T. Agnello, Secretary

1. **CONSENT AGENDA**

A. **APPROVAL OF THE MINUTES**

The minutes of the meeting of 1992 November 18 were approved as circulated.

B. **DIRECTOR OF PUBLIC WORKS**

5th and 6th Annual Business Development Seminars

As recommended by the Director of Public Works in a report dated 1992 November 24, the Committee recommended to Council as follows:

- (a) That the fifth and sixth annual Business Development Seminar be held in partnership with the Regional Municipality of Hamilton-Wentworth Economic Development Department on 1993 October 27 (Wednesday) and 1994 October 27 (Thursday) at the Hamilton Convention Centre.
- (b) That the Region be requested to include the Business Development Seminar in the 1993 marketing plan and the budget deliberation process of the Economic Development Department.
- (c) That future funding for Business Development Seminars be made available in account CF5625428803006.

C. BUILDING COMMISSIONER**(a) Demolitions**

As recommended by the Building Commissioner in various reports, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue demolition permits for:

- (a) 122 Province Street North
- (b) 829 Rymal Road East
- (c) 1512 Upper Gage Avenue

(b) Development of Joint Programme with the Ministry of Social Services

As recommended by the Building Commissioner in a report dated 1992 November 16, the Committee recommended to Council as follows:

That the Building Department be authorized to enter into an agreement with the Ministry of Social Services respecting the administration of funding for properties owned by their clients as per the requirements of the City's Property Standards By-law.

(c) Hamilton Emergency Loan Programme (H.E.L.P.)

As recommended by the Building Commissioner in a report dated 1992 November 11, the Committee recommended to Council as follows:

That a Hamilton Emergency Loan Program (H.E.L.P.) in the amount of one thousand, two hundred and nine dollars (\$1,209) be approved for Lillian Danby, 11 Collier Crescent, Hamilton. The interest rate will be 8 per cent amortized over 4 years.

D. COMMISSIONER OF PLANNING AND DEVELOPMENT**1993 Work Programme**

Victor Abraham reviewed the programme with the Committee.

As recommended by the Commissioner of Planning and development in a report dated 1992 November 24, the Planning and Development Committee endorsed the 1993 Work Programme of the Local Planning Branch of the Planning and Development Committee.

2. DIRECTOR OF PROPERTY AND DIRECTOR OF LOCAL PLANNING**Purchase of lands in the Alpha Residential Enclave**

Mike Watson was present to advise that the City does not have sufficient funds to purchase properties and, as such, is recommending that the programme be completed through the allocation of funds in the 1993 capital budget.

He explained that the programme loses money because the properties are resold as lots only.

The Mayor explained that the City is performing a social act of adjustment because the homes are in an area surrounded by industry.

A discussion ensued regarding the ratio of owner occupied to tenant occupied homes. The Committee requested that this information be presented in a report.

As recommended by the Director of Property and the Director of Local Planning in a report dated 1992 November 24, the Committee recommended to Council as follows:

- (a) That Item 1(b)(ii) of the 12th Report of the Planning and Development Committee approved by City Council on 1992 June 30 be deleted in its entirety and replaced with the following:

"the acquisition program for Alpha East (east of Sherman Avenue North), which was put on hold in 1989 December be resumed for the approximately 11 residential properties remaining, on a willing seller/willing buyer basis with no expropriation contemplated, when funding is available."

- (b) That the City Treasurer be directed to close Capital Budget Account No. 308750001 (Land Acquisition Enclave Clearance Program) upon completion of the acquisition and assembly of lands in the Alpha West Residential Enclave with any excess funds remaining to be transferred to its original source of funding.
- (c) That a new project submission form, along with the appropriate cost be submitted to the Capital Budget Sub-Committee by the Planning Department as a new project for the 1993-2002 Provisional Capital Budget consideration.

PUBLIC MEETINGS

- 3. **ZA-92-38, A. T. McGuirl and F. McGuirl, owners, for changes in zoning from "AA" District to "R-4" District for Block "1" and from "C" District to "R-4" District for Block "2", for property located at the rear of No. 614 Stone Church Road East; Butler Neighbourhood**

An agent was present on behalf of the applicants.

As recommended by the Commissioner of Planning and Development in a report dated 1992 November 19, the Committee recommended to Council as follows:

That approval be given to Zoning Application 92-38, Allan T. McGuirl and Florrie McGuirl, owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for small lot single-family dwellings, for property located at the rear of 614 Stone Church Road East, shown as Blocks "1" and "2" on the attached map marked as Appendix "A", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;

- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
 - (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
4. **ZA-92-39, Pane Del Sole Bakery (Mr. Gaetano Lattuca), owner, for a change in zoning from "D" District to "G-3" District, for property located at No. 150 Catharine Street North; Beasley Neighbourhood**

Paul Mallard advised that the purpose of the application is to permit use of property for parking in conjunction with a bakery. This improves an existing situation whereby a parking problem for the bakery exists. Should the application be approved, the by-law will be held in abeyance pending site plan approval which will include landscaped strips. Of 207 notices sent out, 21 were received in favour and 1 opposed.

Mr. Alaimo, agent, and Mr. and Mrs. Lattuca were present. Mr. Alaimo suggested that the planting strip on the north and south boundaries be reduced because the lot is quite small.

Maria Pires of 148 Catherine Street North asked that a fence be erected adjacent to her property to which Mr. Mallard advised that there is a requirement for a 4 to 6 foot visual barrier.

Jim Drake of 141 Catharine Street North was concerned that the house which was demolished was in good condition. Also, a tree was removed when the ramp to the parking lot was constructed and he would like it replaced. He stated the building on the easterly line of the parking lot is obtrusive and should be painted. The grade of the property has also been changed and, therefore, a retaining wall is required.

Mr. Drake suggested that a modified "D" residential zoning be implemented instead of "G-3" in order to maintain the integrity of the residential neighbourhood.

Ken Hastings of 179 Mary Street concurred and also suggested that a time limit be placed on the conditions to be met in order that the lot not remain in disrepair.

Mr. Alaimo of 104 Cannon Street East stated that a retaining wall is to be erected. He stated that the building which was torn down was in poor condition. The parking lot will ameliorate the area.

In response to a question from the Chairperson, Paul Mallard advised that the site plan will be registered on title.

The Committee recommended to Council the recommendation of the Commissioner of Planning and Development dated 1992 November 19 as amended as follows:

- A. That approval be given to amended Zoning Application 92-39, Pane Del Sole Bakery (Mr. Gaetano Lattuca), owner, for a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District, to permit a parking lot at 150 Catharine Street North, to be used in conjunction with an adjoining bakery use located at No. 104 Cannon Street East, as shown on the attached map marked as Appendix "B", on the following basis:
 - (a) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (i) That notwithstanding Section 10 (1) of Zoning By-law No. 6593, only a parking lot accessory to the adjoining bakery use located at 104 Cannon Street East shall be permitted, subject to the following conditions:

- (1) That a landscape planting strip having a minimum width of 1.5 m shall be provided and maintained along the northerly lot line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscape planting strip, except for any area used for vehicular access;
- (2) That a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the southerly lot line;
- (3) That a landscape planting strip having a minimum width of 2.4 m shall be provided and maintained along the westerly lot line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained within the landscape planting strip;

- (b) That the amending By-law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S-1297, and that the subject lands on Zoning District Map E-4 be notated S-1297;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

- B. That the amending By-law not be forwarded for passage by City Council until such time as the owner applies for and receives site plan approval, and the site plan is registered on title with the land.

5. **ZA-92-07, St. Stephen-on-the-mount Anglican Church, owner, for changes in zoning from "H" District to "E" District, modified, for Blocks "1" and "2", for property located at No. 625-635 Concession Street; Eastmount Neighbourhood**

A submission was received from Sylvia and Paul Kadar.

Paul Mallard advised that the application is to permit an 8 storey dwelling for hearing impaired and senior citizens and a parish hall addition. The applicants have satisfied the traffic department that 14 parking spaces are adequate for the development. The building has been designed to be integrated with the surrounding neighbourhood. Of 296 notices circulated, 36 were received in favour and 14 were opposed.

Roy Hanniford of 100 Seneca Drive, Ancaster, was present as the agent for the church. He stated that there has been a series of meetings with staff and the neighbourhood residents and the proposal before the Committee is a co-operative effort.

Mr. Mallard noted that the partially enclosed porch is to provide wheelchair access.

John Baxter of the Riegel Home for Children in Hamilton, Peter Moore, executive officer of the Anglican Diocese of Niagara and Ron Pickney of 247 East 24th Street were present in support of the application.

Michael Cooke of 39 Viewpoint Avenue expressed concern regarding shadowing and loss of privacy to his home which is in close proximity to the development.

Robert Ellis of 34 Poplar Avenue concurred and added that 14 parking spots will not be enough to accommodate the residents of the building.

The architect for the project stated that there will be no windows on the first floor of the building facing Mr. Cooke's property. She also advised that the 2nd to 8th stories are to be 10 metres setback from the first storey. With regard to parking, studies indicate that 14 spaces will be adequate for this type of development. Also, shadowing will not affect the neighbouring properties.

Alderman Merling is in favour of the concept of this type of development but expressed concern about parking since 52 spaces would normally have been required.

Mr. Karl responded that the special needs population requires fewer spaces since many of them are not licensed to drive. The 14 spaces will accommodate staff and visitors.

The Committee concurred with Alderman Merling that another meeting to address neighbours concerns should be attempted.

Following discussion, the Committee resolved to table this application until the second Planning and Development Committee meeting of 1993 January.

6. **ZA-92-40, F. and F. Ricci, owners, for a modification to the established "C" District regulations, for property located at No. 21 Dunsmure Road; Gibson Neighbourhood**

Submissions were received from the following:

- (a) Michael Lipnicky Jr., 67 St. Clair Avenue, Hamilton, L8M 2N6
- (b) Jim Aquila, 48 Proctor Boulevard, Hamilton, L8M 2M4

Alderman Drury declared an interest by virtue of his residence being in close proximity to the property in question and left the room for the remainder of discussion on this item.

Alderman Wilson assumed the chair for discussion on this application.

Mr. Mallard explained that the request is for a residential care facility for 9 residents. An order to comply has been issued since this establishment has been operating without a licence. The request is for 9 residents whereas only 6 are permitted. In addition, the building is within 180 m radius of 5 other residential care facilities which is not permitted under the radial separation by-law. This would be an overintensification of residential care facilities in the area. The Department of Social Services has indicated that there is no need for this type of facility since vacancy rates are high. Of notices circulated, 17 residents responded in favour and 17 were opposed.

Bill Dermody, solicitor, and Mr. and Mrs. Ricci were present in support of their application.

Frank Ricci of 21 Dunsmure showed plans of the building to the Committee and explained that it will easily accommodate 9 seniors.

John Agro of 36 Oaknoll Drive was present. He asked that consideration be given to the growing senior population. He stated that the Ricci Care Facility is like home to the residents. The facility is well kept and operated.

Mr. Aquila of 48 Proctor Boulevard submitted a letter and petition in objection to the application. He stated that there are too many residential care facilities in the area. His objection was not to the operation of the Ricci establishment but the fact that the area is saturated with these types of uses. He expressed concern that this home has been operating illegally. He suggested that while the intention is to house seniors, the use may be modified for alternate uses of group homes in the future. He also reminded the Committee that even if permitted, the by-law permits up to 6 residents whereas the applicants are requesting permission for 9 residents.

Ken Goyd of 35 Holton Avenue South, concurred with Mr. Aquila and added that a tree has been cut down to accomodate parking on the property.

Joan Rapsavage of 52 Proctor Boulevard was of the impression that the Planning and Development Committee would have correspondence forwarded to the Committee of Adjustment on this matter. The Chairperson advised that the two Committees are separate bodies. She stated that she did not get an invitation to an open house held by the Ricci's.

She also concurred with Mr. Aquila's concerns.

Joe Spatazo of 100 Albion Falls Boulevard was present in favour of the application. He explained that this type of facility provides the care and atmosphere second to none. His mother is a resident of the facility and has made it her home.

Mr. Dermody stated that his clients were advised that the property complied at the time of purchase. He suggested that the problems in the neighbourhood from the care facilities should not reflect on this application. He stated that the home is respectable and well needed. The Ricci's are prepared to make assurances that they will operate a seniors home which will not pose problems to the neighbourhood.

In response to a question from Alderman Charters, Peter Lampman advised that zoning verification was provided at the time of purchase.

Alderman Wilson stated that the 180 metre radial separation by-law should be adhered to. In addition, the request for 9 residents is also beyond that permitted in the by-law. Alderman D'Amico and Alderman Merling concurred.

As recommended by the Commissioner of Planning and Development in a report dated 1992 November 25, the Committee recommended to Council as follows:

That Zoning Application 92-40, Frank and Filomena Ricci, owners, requesting a modification to the existing "C" (Urban Protected Residential, etc.) District, to permit establishment of a residential care facility for nine residents, notwithstanding the minimum radial separation distance of 180 metres between such facilities, for property located at 21 Dunsmure Road, as shown on the attached map marked as Appendix "C", be denied for the following reasons:

- (a) It conflicts with one of the primary goals of the Residential Care Facilities By-law to provide the residents with an opportunity to live in an environment that closely approximates a family situation. This proposal represents a 50% increase in the number of permitted residents (from 6 to 9);
- (b) It is contrary to the Residential Care Facilities By-law which requires a minimum radial separation distance of 180 metres between facilities to preserve the residential character of neighbourhoods. This facility is within 180 metres of five other residential care facilities (see Appendix "B");

- (c) Approval of this application would encourage other similar applications which, if approved, would further contribute to the existing over-concentration of such facilities in Gibson Neighbourhood; and,
- (d) The Department of Social Services advise there is no demonstrated need for additional retirement home beds in the City since there were 227 vacant beds in the system as of the end of August, 1992.

7. **OTHER BUSINESS**

None.

8. **ADJOURNMENT**

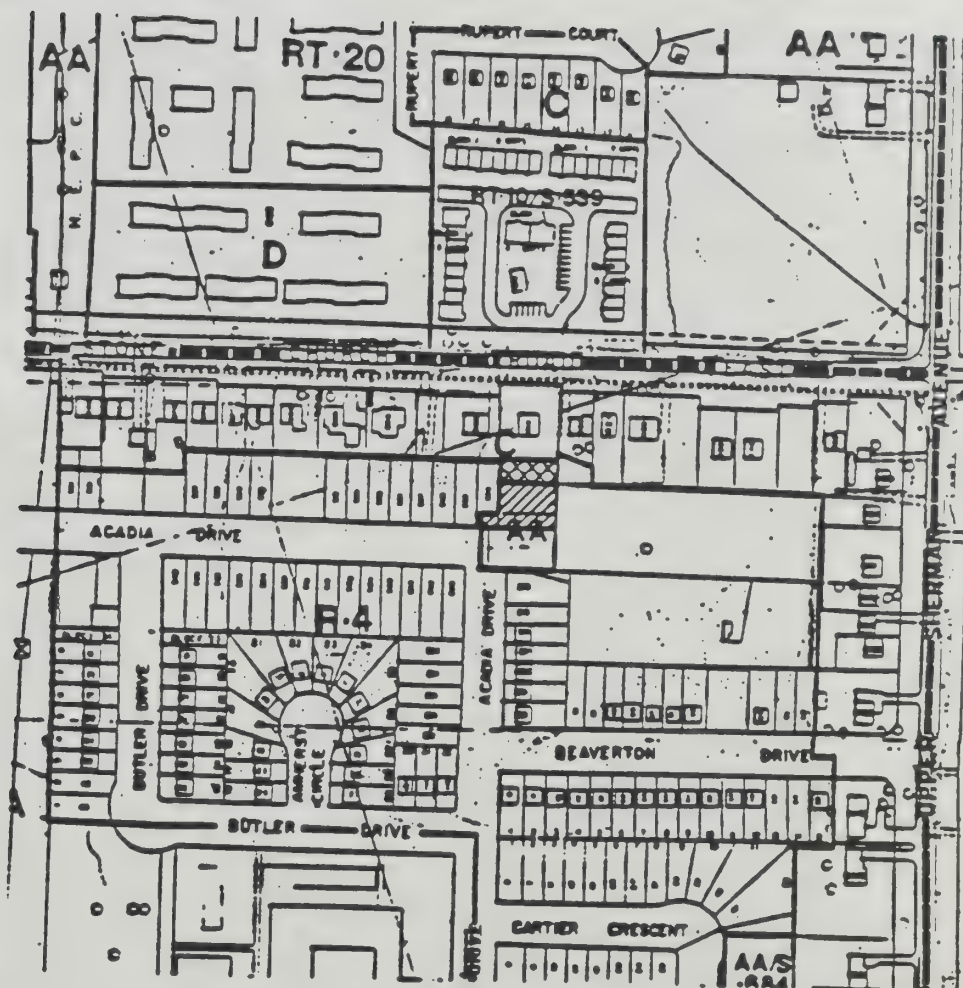
There being no further business, the Committee meeting adjourned.

TAKEN AS READ APPROVED,



**ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

Tina Agnello
1992 December 2

Appendix "A" as referred to
in Section 3 of the minutes
of the Planning and Development
Committee of 1992 December 8

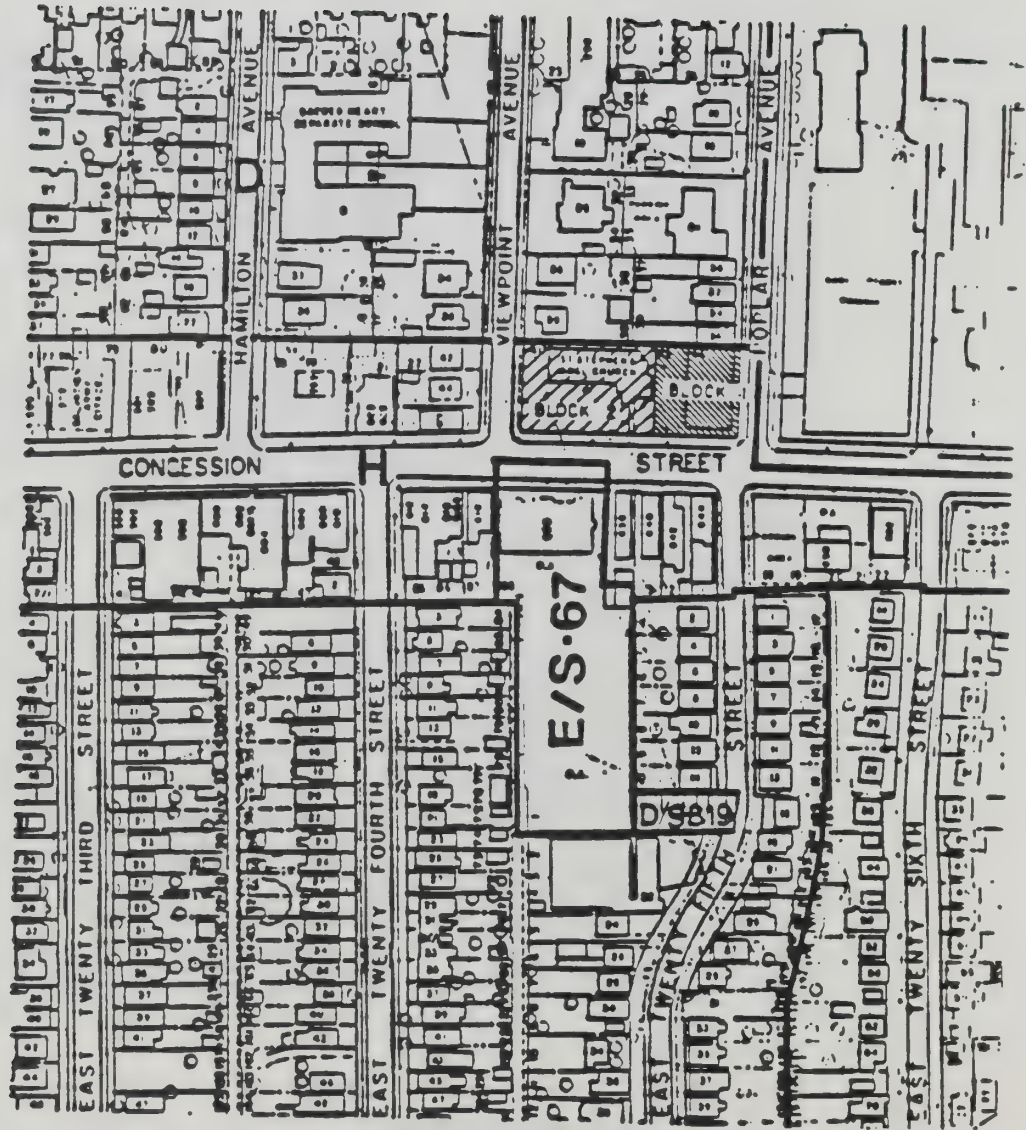


Legend

- Proposed changes in zoning:
- BLOCK 1  From "AA" (Agricultural) District to "R-1" (Small Lot Single-Family Detached) District.
- BLOCK 2  From "C" (Urban Protected Residential, etc.) District to "R-1" (Small Lot Single-Family Detached) District.



Appendix "B" as referred to
in Section 4A of the minutes
of the Planning and Development
Committee of 1992 December 8



Legend

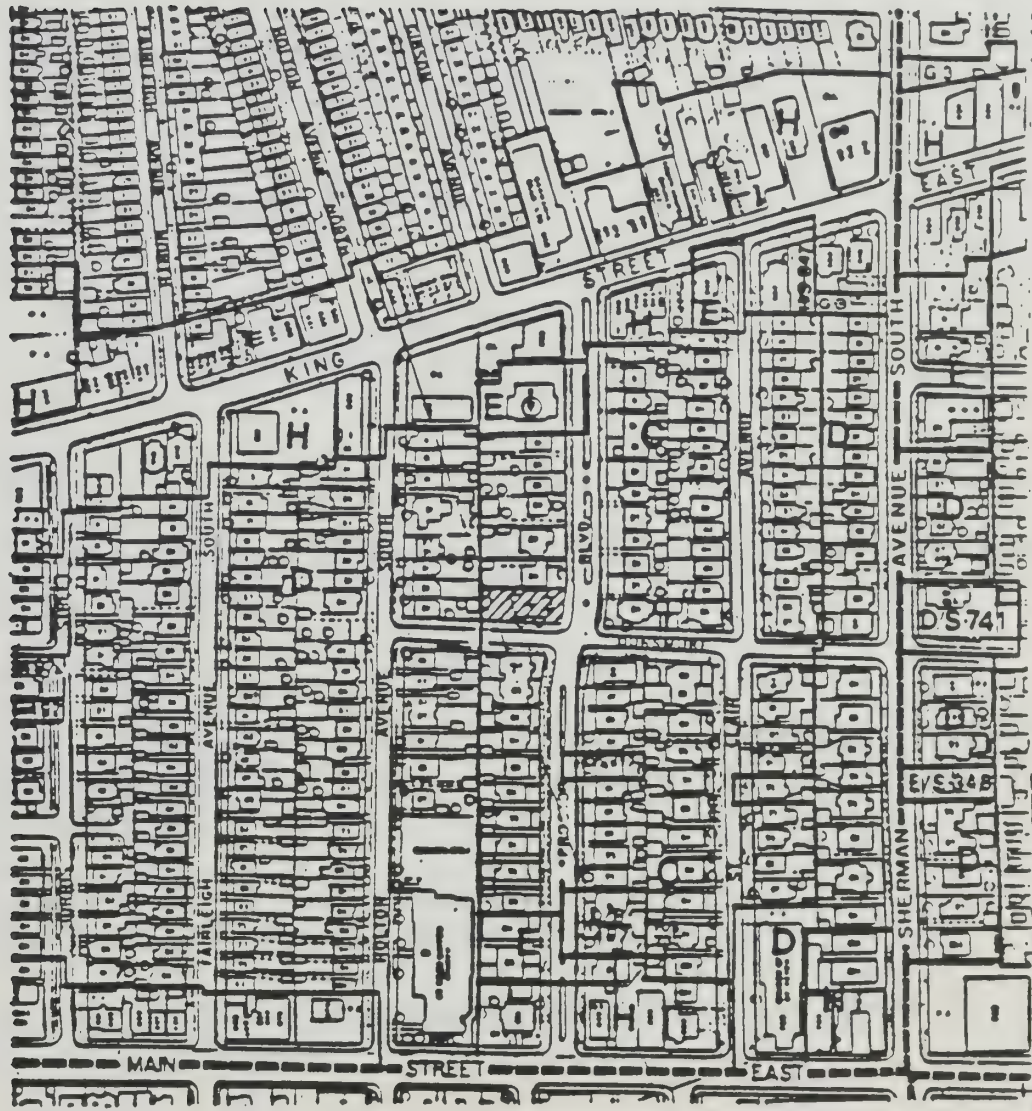


Change in zoning from "C" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.



Amended

Appendix "C" as referred to
in Section 6 of the minutes
of the Planning and Development
Committee of 1992 December 8



Legend



Site of the Application

2A-32-40

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 December 22

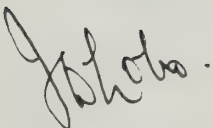
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo,
Director of Public Works

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.);
Revised Board of Management

RECOMMENDATION:

- a) That By-law No. 92-056 appointing the Ottawa Street B.I.A. Board of Management be amended to delete the following name:
- | | |
|----------------|-----------------------|
| Lynne Zarubiak | Deblynn 's Hair Salon |
|----------------|-----------------------|
- b) That in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a member of the Ottawa Street B.I.A.:
- | | |
|--------------|-----------------------------|
| Gaston LeBay | Woodhouse Furniture |
| Michael Keir | Surplus Plus Discount Store |
- c) That the City Solicitor be authorized and directed to amend By-law No. 92-056 pursuant to (a) and (b) above.



Mr. D. Lobo,
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Ottawa Street B.I.A. held its Annual General Meeting on 1992 November 19 at which time the above members were appointed to the Board of Management to fill vacant positions on the Board.

DL:bk

cc: Ms. P. Noe Johnson, City Solicitor
Law Department
ATTN: Mr. A. Zuidema, Solicitor

CITY OF HAMILTON
- RECOMMENDATION -

R **Bii**

CITY CLERKS

DATE: 1992 December 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

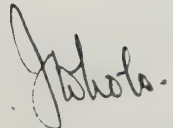
SUBJECT: Ottawa Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1993.

RECOMMENDATION:

- a) That the 1993 operating budget of the Ottawa Street B.I.A. (attached as Schedule 'A') be approved in the amount of eighty-seven thousand dollars (\$87,000.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1993 be forwarded to the Finance and Administration Committee for their consideration:

January 01	\$43,500.
June 01	\$21,750.
October 01	\$21,750.

NOTE: 1992 levy arrears will be deducted from the first payments for 1993.



Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of eighty-seven thousand dollars (\$87,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this eighty-seven thousand dollar (\$87,000.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1992 November 19, the Ottawa Street B.I.A. adopted a budget of eighty-seven thousand dollars (\$87,000.). An allowance for unpaid levies of seventeen thousand dollars (\$17,000.) has been included in the budget.

HM:hm

c.c. Ms. P. Noé Johnson, City Solicitor
Law Department

Mr. A. Ross, City Treasurer
Treasury Department
Att: Mr. T. Bradbury, Asst. Supervisory Business Tax

Mr. J. Thompson, Secretary
Finance and Administration Committee

Budget Item	Total \$	%
Rent		
12 months @ \$470 + 7% GST	6,050	6.95
Realty taxes (yearly)	1,500	1.72
Utilities		
Hydro - office, 12 months @ \$125.00	1,500	1.72
Telephone - 3 lines @ 41.60, 12 months	1,500	1.72
- long distance calls, 12 months	500	.57
Insurance		
Total coverage includes: Liability, vandalism fire, computers, office equipment and special events	800	.91
Office Supplies		
Paper, pens, letterhead, capital newsletters, postage and sundries	2,000	2.29
Office Equipment		
Photocopier		
Lease	\$2,800.00	
Service Contracts	\$1,100.00	

	3,900	4.48
Typewriters		
2 service contracts	500	.57
Membership Fees		
Ontario Downtowns Inc.	700	.80
Wages		
Manager's Contract	15,300	17.58
(Receiver General, travel etc.)	1,500	1.72
Administrative Assistant Contract (1 day per week x 7 hours per day)	3,000	3.44
Advertising		
	17,600	20.22
Beautification		
Street Cleaner's Contract (4 days x 6 hours x \$7.50 x 30 weeks)	6,000	6.89
Street Cleaner supplies - bags, brooms, etc.	750	.86
Garbage Removal	800	.91
Lighting Secondary		
Maintenance & Hydro for lights in trees	5,100	5.86
Other Costs include:		
Bank Charges	250	
Workers Compensation	100	
Yearly audit of books	650	
	1,000	1.14
Contingency Fund		
19.54 percent	17,000	19.54
Total	87,000	100.00

CITY OF HAMILTON
- RECOMMENDATION -

R **Biii**

CITY CLERKS

DATE: 1992 December 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: International Village Business Improvement Area
(B.I.A.) - Revised Board of Management.

RECOMMENDATION:

- a) That By-law No.92-057 appointing the International Village B.I.A. Board of Management be amended to delete the following names:

Jim Lyons
Shakiel Baig
Bob Siromsky


The Card Shark
Rock 'N Tees
Bad Bob's

- b) That in accordance with the provisions of subsections 6 and 8 of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a member of the International Village Business Improvement Area:

Paul Kircos
Lawrence Payne
Gord Thompson

Alexanian Carpets
Payne Music
Thompson Jewellery

- c) That the City Solicitor be authorized and directed to amend By-law No.92-057 pursuant to (a) and (b) above.


Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

International Village B.I.A. held its Annual General Meeting on 1992 November 18 at which time the above members were appointed to the Board of Management to fill vacant positions on the Board due to resignations.

HM:hm

c.c.

Ms. P. Noé Johnson, City Solicitor
Law Department
Att: Mr. A. Zuidema, Solicitor

CITY OF HAMILTON
- RECOMMENDATION -

Biv

DATE: 1992 December 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

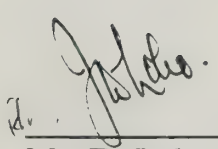
SUBJECT: International Village Business Improvement Area
(B.I.A.) Proposed Budget and Schedule of Payments for
1993.

RECOMMENDATION:

- a) That the 1993 operating budget of the International Village B.I.A. (attached as Schedule 'A') be approved in the amount of sixty-two thousand one hundred and thirteen dollars (\$62,113.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1993 be forwarded to the Finance and Administration Committee for their consideration:

January 01	\$31,057.
October 01	\$31,056.

NOTE: 1992 Levy Arrears will be deducted from the two payments for 1993.



Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of sixty-two thousand, one hundred and thirteen dollars (\$62,113.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this sixty-two thousand, one hundred and thirteen dollar (\$62,113.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1992 November 18, the International Village B.I.A. adopted a budget of sixty-two thousand, one hundred and thirteen dollars (\$62,113.). Included within this budget is an allowance of unpaid levies of ten thousand dollars (\$10,000.).

HM:hm

e.c. Ms. P. Noé Johnson, City Solicitor
Law Department

Mr. A. Ross, City Treasurer
Treasury Department
Att: Mr. T. Bradbury, Asst. Supervisory Business Tax

Mr. J. Thompson, Secretary
Finance and Administration Committee

APPROVED
~~PROPOSED~~ BUDGET
 JANUARY 1 - DECEMBER 31, 1993

	GROSS COST	*RECOVERABLE FROM GRANT	NET COST
<u>OPERATION</u>			
RENT	\$ 4 200	\$ 900	\$ 3 300
UTILITIES			
HYDRO-PHONE	1 450	760	690
EQUIPMENT	428	400	28
SUPPLIES	1 500	400	1 100
(INCL. POSTAGE)			
BANK CHARGES	300	175	125
	<u>\$ 7 878</u>	<u>* \$ 2 635</u>	<u>\$ 5 243</u>
<u>WAGES</u>			
EXEC. DIRECTOR	\$20 200	*\$ 3 920	\$16 280
WAGE COSTS	2 048	408	1 640
	<u>\$22 248</u>	<u>*\$ 4 328</u>	<u>\$17 920</u>
LESS TRAINING REVENUE ED		1 000	(1 000)
	<u>\$22 248</u>	<u>*\$ 5 328</u>	<u>\$16 920</u>
INSURANCE	665		665
AUDIT FEES	285		285
ADVERTISING & PROMOTIONS	30 000		30 000
LIGHTING GRANT		1 000	(1 000)
	<u>\$30 950</u>	<u>\$ 1 000</u>	<u>\$29 950</u>
TOTAL	<u>\$60 776</u>	<u>* \$ 7 963</u>	<u>\$52 113</u>
			<u>10 000</u>
			<u>\$62 113</u>

** CHARGEBACK ON 1992 UNCOLLECTED LEVIES

NOTES

- * Grant Revenue shown is based on a current Federal Training Grant in place until April 15, 1993.

We will be applying for a second Federal Grant to run from May 1st, 1993 until December 31, 1993.

The operational and wage dollars recoverable HAVE NOT been included in this proposed budget.

- *** Levies outstanding for 1992 as at October 31, 1992 are \$ 13 528
 Less Collectable (by History) before December 31, 1992 5 959
 BALANCE \$ 7 659

CITY OF HAMILTON
- RECOMMENDATION -

Bv

RECEIVED

DEC 09 1992

DATE: 1992 December 8

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

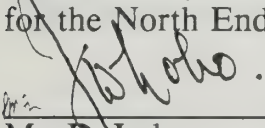
CITY CLERKS

FROM: Mr. D. Lobo,
Director of Public Works

SUBJECT: North End East and West P.R.I.D.E. Anti-Recession
Programme; Authorization to Sign the
Provincial/Municipal Agreement

RECOMMENDATION:

That the Mayor and City Clerk be authorized to sign the Provincial/Municipal Agreement for the North End East and West P.R.I.D.E. Anti-Recession Programme.



Mr. D. Lobo,
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On 1992 September 23 the City of Hamilton received an announcement from the Minister of Municipal Affairs, Dave Cooke, advising that we had been successful in receiving a \$200,000. allocation for matching funds under the P.R.I.D.E. Anti-Recession Programme. In order to implement the Programme, the City of Hamilton must enter into an agreement with the Ministry of Municipal Affairs. This document will be forwarded to the Law Department for review prior to execution.

JMcN:bk

cc: Ms. P. Noe Johnson, City Solicitor
Law Department

RECEIVED

DEC 15 1992

CITY OF HAMILTON
- RECOMMENDATION -

C

CITY CLERKS

DATE: December 14, 1992.

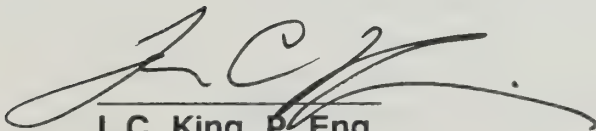
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
HELP (92.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of three hundred and seven dollars (\$307) be approved for Susan Henry, 106 Clinton Street, Hamilton. The interest rate will be 8 per cent amortized over two years.



L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the federally or provincially sponsored loan and grant programmes. A maximum loan of \$2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating,

electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Ms. S. Henry, 106 Clinton Street in the amount of \$307. The sewer line has been replaced, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$307 at 8% interest and amortized over two (2) years.

c.c. R. Camani, Treasury Department
c.c. D. Powers, Law Department

D

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 December 4
(File: PLC-H-92-4)


REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

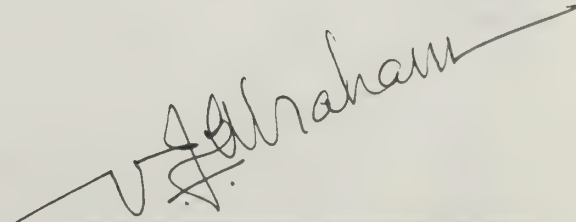
SUBJECT: Application to remove part-lot control from Lots 2-18,
inclusive, "Claudette Gardens - Phase 1" subdivision.

RECOMMENDATION:

- a) That the request of 800064 Ontario Inc., to remove part-lot control from Lots 2-18, inclusive, "Claudette Gardens - Phase 1" plan of subdivision, 62M-719, be approved;
- b) That the attached by-law to remove part-lot control from Lots 2-18, inclusive, "Claudette Gardens - Phase 1" plan of subdivision, be enacted by Council;
- c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and
- d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, 800064 Ontario Inc. (Anthony DiSilvestro, President), is proposing to establish easements for 17 small lots by temporarily removing part-lot control. The easements will allow the future property owners to access and maintain the side of their dwelling set on or adjacent to the lot-line.

Location

The lands are located on the west side of Garth Street, north of Rymal Road West in the Falkirk East Neighbourhood.

Comments

Removal of "part-lot control" is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision.

Part-lot control will be re-established, by by-law, once the conveyances have taken place.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered in the Land Titles office.

The attached by-law to remove "part-lot control" has been prepared in a form satisfactory to the City Solicitor.

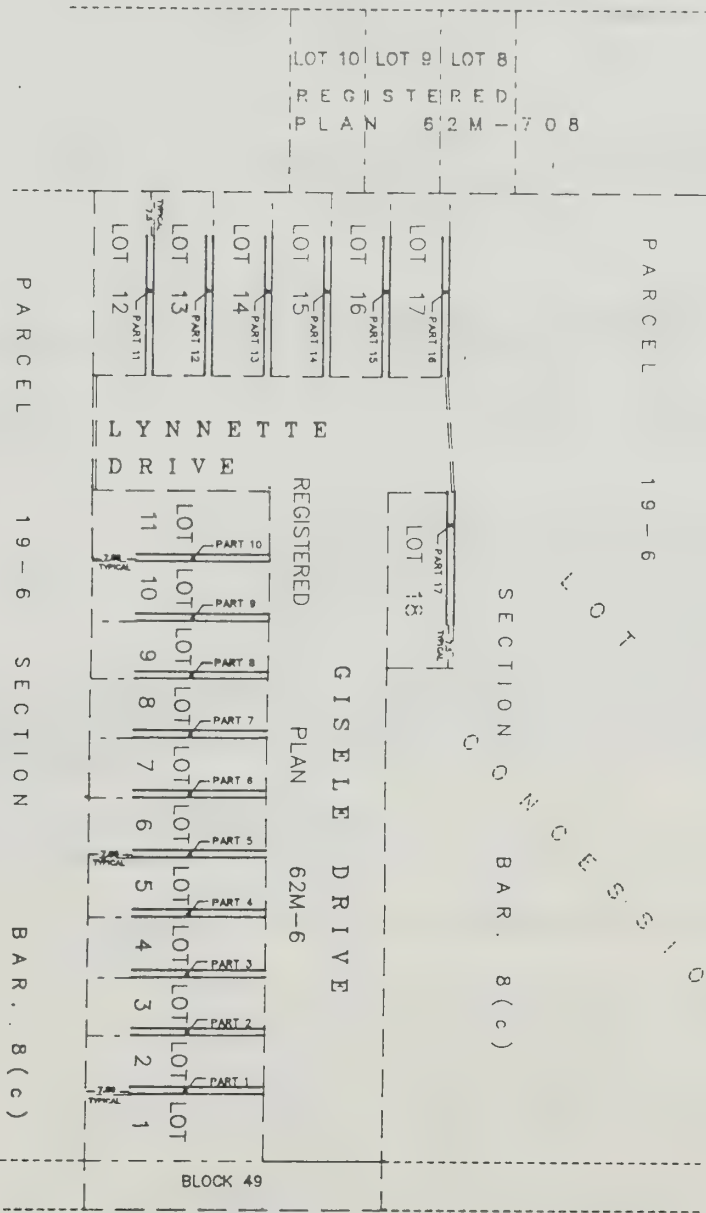
VJA/RL
Attach.

CLAUDETTE GATE PLAN M - 679



COMPLETED PLAN OF
LOTS 1 TO 18, INCLUSIVE
CLAUDETTE GARDENS - PHASE 1
REGISTERED PLAN M -
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH
SCALE 1 : 600

J.P. WOOLLEY SURVEYING
1992



CAUTION : THIS IS NOT A PLAN OF SUBDIVISION
WITHIN THE MEANING OF THE PLANNING
ACT.

ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 18 AND 19

THIS PLAN COMPLETES

I REQUIRE THE PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT. DATE: _____ ERIC SAJJAR	PLAN 62R- RECEIVED AND DEPOSITED DATE: _____ LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (N.E. 62)
---	---

EACH PART IS ENTIRELY WITHIN THE LOT			
PART	LOT ON PLAN	PERPENDICULAR	METRES
1	1	1.2	1.2
2	2	1.2	1.2
3	3	1.2	1.2
4	4	1.2	1.2
5	5	1.2	1.2
6	6	1.2	1.2
7	7	1.2	1.2
8	8	1.2	1.2
9	9	1.2	1.2
10	10	1.2	1.2
11	11	1.2	1.2
12	12	1.2	1.2
13	13	1.2	1.2
14	14	1.2	1.2
15	15	1.2	1.2
16	16	1.2	1.2
17	17	1.2	1.2
18	18	1.2	1.2

NOTE
ALL PARTS EXCEPT THOSE SET OUT TO A FRONT
1/2 METRE FROM THE REAR OF THE LOT

METRIC
DISTANCES SHOWN ON THIS PLAN ARE MEASURED
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1) THIS PLAN IS AN ACCURATE COMPILED PLAN BASED ON INFORMATION
TAKEN FROM REGISTERED PLAN M -

J.P. WOOLLEY O.S.

<p>J.P. WOOLLEY SURVEYING 125 NAIRNE STREET CALEDONIA, ONTARIO NOA 1A0 PHONE 1-(416)-765-0181 PROFESSIONAL LAND SURVEYOR</p>	DRAWN BY: ERIC SAJJAR CHECKED BY: J.P. W. PROJECT No: 92-208-5
---	--

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Remove
Land within the "Claudette Gardens - Phase 1" Subdivision, Plan 62M-719
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Lots 2 - 18, inclusive, within Registered Plan Number 62M-719, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this day of A.D. 1993.

City Clerk

Mayor

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1993.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

3

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 December 21

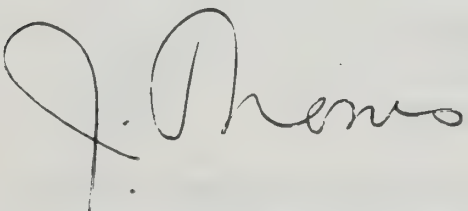
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

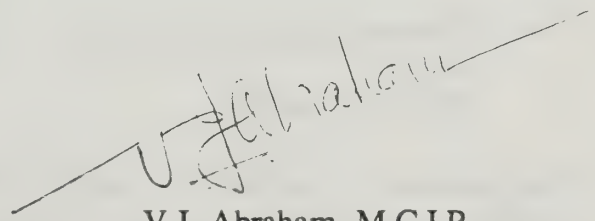
SUBJECT: 1993 Departmental User Fees

RECOMMENDATION:

That the 1993 User Fees for the Planning and Development Department as outlined on the attached Schedule P & D - Planning (column 3), for Existing and New Fees be approved.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The 1993 departmental user fee revenues would increase by a total amount of \$94,150. This amount is broken down to reflect an estimated increase on the 1993 User Fee revenues in the amount of \$53,390 for proposed increases in the existing fees and the balance of \$40,760 for the proposed new user fees.

BACKGROUND:

The direction of the Committee of the Whole meeting December 15, 1992, in considering the 1993 Consolidated User Fees, was to have the appropriate Standing Committee review the details of the proposed 1993 User Fees. These fees when approved by the standing committee would then be forwarded to the Committee of the Whole for presentation as the 1993 Consolidated User Fees. This recommendation has been standardized for all departmental submissions to the Standing Committees. The following provides an overview of the proposed User Fee increases.

For the information of the Committee, the proposed fees for Official Plan Amendments, Zoning Applications, and Site Plan Control are consistent with those presently charged by area municipalities (see APPENDIX "A").

Furthermore, a review of fees undertaken in 1989 examined the costs of processing these applications by the Planning and Development Department. At that time, the following were the costs borne by the Department:

- Official Plan Amendment \$ 977 per application
- Rezoning Application \$1,150 per application
- Site Plan Control \$ 621 per application

These costs do not include time spent by other departments involved with these applications (i.e. Building, Roads, Traffic, etc. time in commenting on applications, for example).

The costs borne by the Planning and Development Department have increased as costs of staff time have increased.

In order to off-set the effect of the proposed fee increases for OPA's and ZA's, a 2 Phase application process is recommended. Phase 1 is for the processing of an application up to and including a Council decision. Phase 2 would only apply to those applications approved by Council. In this regard, the additional fee is to off-set the administrative costs associated with the approval (e.g. preparation of schedules/key maps, explanatory notes, review of draft by-law, preparation of OPA, etc.).

With respect to the "New User Fees", the City of Hamilton is the only municipality in the Region not to charge for subdivisions, condominiums, part lot control, etc. Furthermore, the fee for "Property Reports" is consistent with the practice of other Departments (e.g. Building).

PDM/ma
Attach.

cc: J. Pavelka, Chief Administrative Officer
A. Ross, Treasurer

SCHEDULE P & D - PLANNING

THE CORPORATION OF THE CITY OF HAMILTON

SCHEDULE OF USER FEES AND OTHER REVENUES

SCHEDULE OF USER FEES AND OTHER REVENUES												
DESCRIPTION OF SERVICE, LICENCE OR PUBLICATION	USER FEE OR CHARGE		% INCREASE OVER 1992 (4)	EXPLANATION AND/OR COMMENTS (5)	1992		1993		1993		Increase	
	1992 (2)	1993 (3)			TOTAL BUDGET (6)	TOTAL BUDGET (7)	\$	Increase (8)	Due to Fee Inc. (9)	Account # (10)		
PLANNING - BY REGION												
1993 FEES FOR APPROVAL :												
Fees - Rezoning Application - Phase 1	830.00	1100.00	33%			\$70,550	\$77,000	\$6,450		\$18,900	CH44038-54005	
Official Plan Amendment - Phase 1	830.00	1100.00	33%			\$4,150	\$9,900	\$5,750		\$2,430		
Site Plan Control	390.00	1000.00	156%			\$29,250	\$42,000	\$12,750		\$25,620		
Approved Site Plan Amendment	170.00	400.00	135%			\$7,650	\$11,200	\$3,550		\$6,440		
Official Plan Amendment & Rezoning	1,660.00	2,200.00	33%				Included above.			\$53,390		
1993 NEW FEES FOR APPROVAL:												
Official Plan Amendment - Phase 2	-	600.00	100%	New fee.		-	-	-		\$5,400		
Fees - Rezoning Application - Phase 2	-	600.00	100%	New fee.		-	-	-		\$27,000		
Subdivisions - simple application	-	550.00	100%	New fee.		-	-	-		\$1,650	CH44038-54005	
- complex application	-	1,000.00	100%	"		-	-	-		\$2,000		
Condominiums	-	550.00	100%	"		-	-	-		\$1,750		
Revisions to plans of subdivision and condominiums	-	350.00	100%	"		-	-	-		\$1,050		
Draft plan of subdivision extensions	-	175.00	100%	"		-	-	-		\$530		
Exempt part lot control	-	300.00	100%	"		-	-	-		\$900		
Street name change	-	1,500.00	100%	"		-	-	-		-		
Property Report - file searches requested for lawyers with respect to O.P. compliance, Historical Designations,	-	40.00	100%	"		-	-	-		\$480		
												\$40,760

Survey of 1992 Application Fees

	Official Plan Amendment Fees 1992	Zoning Application Fees 1992	Site Plan Control Application Fees 1992
City of Hamilton	\$830.00	\$830.00	\$390.00 Amendment \$170.00
City of Oakville	\$1,500.00 O.P. & Z.A Combined \$1,700.00	\$1,100.00	Residential \$100.00+60.00 each additional unit Non-Residential \$500.00 + \$20.00 per 100 m. sq. of G.F.A
City of Burlington	\$1,100.00	Phase 1 \$825.00 Phase 2 \$275.00 Regional Fee \$375.00	Basic Fee \$475.00
Town of Ancaster	\$2,000.00	Major \$1,250.00 Minor \$750.00 (3 lots or less)	\$750.00
Town of Dundas	\$1,500.00 O.P. & Z.A Combined \$2,000.00	\$850.00	Amendment (existing) \$500.00 New Development \$750.00
City of Stoney Creek	\$2,255.00 O.P. & Z.A Combined \$3,190.00	\$1,540.00	N/A

4

CITY OF HAMILTON
- RECOMMENDATION -

DATE: December 22, 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len C. King, Building Commissioner
Building Department

SUBJECT: 1993 BUILDING DEPARTMENT USER FEES

RECOMMENDATION:

- a) That the 1993 User Fees for the Building Department as outlined on the attached Schedule P & D - Building Department (column 3), for Existing and New Fees be approved;
- b) That for the information of Committee members, Schedule P & D INFO - Building Department attached which reflects those 1993 departmental user fees which have received prior Council approval, be received.



Len C. King, Building Commissioner

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The 1993 department user fee revenues would increase by a total amount of \$160,000, or 4.5% over the 1992 budget level. This amount is broken down to reflect an estimated increase on the 1993 User Fee revenues in the amount of \$160,000 for proposed increases in the existing fees.

Tina Agnello, Secretary
Planning & Development Committee
1993 December 22 - Page 2

BACKGROUND:

The direction of the Committee of the Whole meeting December 15, 1992, in considering the 1993 Consolidated User Fees, was to have the appropriate Standing Committee review the details of the proposed 1993 User Fees. These fees when approved by standing committee would then be forwarded to the Committee of the Whole for presentation as the 1993 Consolidated User Fees. This recommendation has been standardized for all departmental submissions to the Standing Committees. The following provides an overview of the proposed User Fee increases.

LCK/bel

Att'd

C.C. J. Pavelka, Chief Administrative Officer
A. Ross, Treasurer

SCHEDULE P & D - BUILDING

THE CORPORATION OF THE CITY OF HAMILTON

SCHEDULE OF USER FEES AND OTHER REVENUES

DESCRIPTION OF SERVICE, LICENCE OR PUBLICATION

USER FEE OR CHARGE

1992

1993

% INCREASE OVER 1992

(4)

EXPLANATION AND/OR COMMENTS

(5)

1992

1993

Increase

TOTAL BUDGET

TOTAL BUDGET

Increase

Due to Fee Inc.

Account #

(2)

(3)

BUILDING DEPARTMENT

ENGINEERING, ZONING, COUNTER SERVICES

Certificate of Compliance

- Single family dwelling

- 2, 3 or multiple dwelling

(plus \$30 for each add'l dwelling)

- Lodging house, 2nd level lodging house or nursing home (plus \$20 per each permitted resident)

- All other buildings

(plus \$10 per 1,000 sq. ft. in excess of the first 1,000 sq. ft.)

- Grading - ensures compliance that grading is per regulation

- administration fee per lot

Building Code Act Fines

- maximum fine per individual

- maximum fine per corporation

Basic Permit Fee:

Construction up to \$10,000

Additional Permit Fee:

\$10,000 - \$20 million

\$20 million - \$50 million

Over \$50 million

- work completed prior to permit issuance

(a) footings and foundations

(b) structural framing

(c) mechanical/electrical

(d) architectural

(e) final

(f) demolition or partial demolition

Increase in permit fee

Increase in permit fee

10%

25%

50%

75%

100%

10%

25%

50%

75%

100%

0%

0%

0%

0%

0%

No increases in fees for 1993.

"

"

"

"

Included above

"

"

"

"

CH45001-50005

\$160,000

SCHEDULE P & D - BUILDING

SCHEDULE OF USER FEES AND OTHER REVENUES

THE CORPORATION OF THE CITY OF HAMILTON

DESCRIPTION OF SERVICE, LICENCE OR PUBLICATION	USER FEE OR CHARGE		% INCREASE OVER 1992	EXPLANATION AND/OR COMMENTS	1992		1993		\$	Increase Due to Fee Inc.	Account #
	(1)	(2)			(6)	(7)	(8)	(9)			
			(4)	(5)							(10)
BUILDING DEPARTMENT											
1993 FEES FOR APPROVAL :											
ADMINISTRATION											
Administration Fees											
- Basic Demolition Fee		200.00		10%							
- Demolition Fee (non-serviced accessory)		50.00		100%							
Photocopies											
- First page		1.00		No increases in fees for 1993.		\$500	\$500			- CH44204-50001	
- Each additional page		0.25		"							
ENGINEERING, ZONING, COUNTER SERVICES											
Combined Certification of Zoning Verification/Property Report		80.00		0%	No increases in fees for 1993.	\$181,000	\$460,750	\$279,750		- CH45003-50005	
- 48 hour service		120.00		0%	"						
Property Plan (microfiche)											
- making copies of drawings on file		10.00		0%	No increases in fees for 1993.	\$3,000	\$5,500	\$2,500		- CH45004-50005	
- for Single Family				0%	"						
- for others		40.00									
Monthly Report											
- per month		3.50		0%	No increases in fees for 1993.	\$500	\$1,000	\$500		- CH45005-50005	
- annually		35.00		0%	"						

SCHEDULE P & D INFO - BUILDING

SCHEDULE OF USER FEES AND OTHER REVENUES

THE CORPORATION OF THE CITY OF HAMILTON

DESCRIPTION OF SERVICE, LICENCE OR PUBLICATION	USER FEE OR CHARGE		% INCREASE OVER 1992	EXPLANATION AND/OR COMMENTS	1992	1993	\$	Increase	Due to	Account #
	(1)	(2)			(6)	(7)				
			(4)	(5)	TOTAL BUDGET	TOTAL BUDGET		Increase	Fee Inc.	

BUILDING DEPARTMENT

1993 FEES APPROVED BY COUNCIL:										
ENGINEERING, ZONING, COUNTER SERVICES										
Committee of Adjustment Fee										
- variances or permission - ancillary to 1 and 2		250.00								
- family unit uses		300.00								
- variances or permission (all other)										

\$0

CITY OF HAMILTON
- RECOMMENDATION -

5
RECEIVED

DEC 14 1992

CITY CLERKS

DATE: 1992 December 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

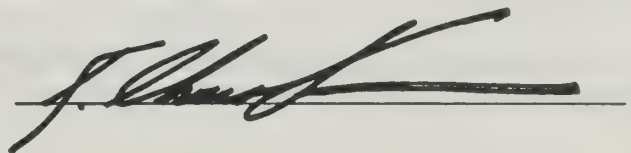
FROM: Kevin C. Christenson, Secretary
Transport and Environment Committee

SUBJECT:

Pearl, Poulette and Ray Street Bridges over C.P. Rail's track

RECOMMENDATION:

That the Planning and Development Committee be requested to hold a neighbourhood public meeting to discuss and review the options regarding the future status of the Pearl, Poulette and Ray Street bridges over C.P. Rail's track.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Attached is a copy of a report dated 1992 November 18 from E. M. Gill, Senior Director, Roads Department which was considered and approved by the Transport and Environment Committee at its meeting held 1992 November 30. The recommendation was subsequently approved by City Council at its meeting of 1992 December 8.

Attachment

CITY OF HAMILTON
- RECOMMENDATION -

DATE: November 18, 1992
(File Nos. T119-1108 H, T119-1109 H, & T119-1112 H - C. Beitz - ID 816)

REPORT TO: K. Christenson, Secretary
Transport and Environment Committee

FROM: E. M. Gill, P.Eng.
Senior Director
Roads Department

SUBJECT: CP Rail Overhead Bridges
on Pearl, Poulette and Ray Streets


RECEIVED

NOV 20 1992

CITY CLERKS

RECOMMENDATION:

That the Planning and Development Committee be requested to hold a neighbourhood public meeting to discuss and review the options regarding the future status of the Pearl, Poulette and Ray Street Bridges over CP Rail's track.



E. M. Gill, P.Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The three wooden overhead bridges on Pearl, Poulette and Ray Streets, owned by CP Rail, have been closed to vehicular traffic for many years. The last to be closed was the Ray Street bridge in 1988.

Over the years, these bridges have warranted repeated repairs due to the deterioration of the wooden decks and railings and have been a constant safety concern to the residents in the surrounding neighbourhood.

The Poulette Street bridge was demolished in late 1986 due to the failure of several wooden stringers supporting the deck. On October 7, 1991, the City of Hamilton submitted an application to the National Transportation Agency (N.T.A.) for the reconstruction of a pedestrian bridge to replace the Poulette Street Bridge.

As a result of ongoing problems with the proposed cost sharing, future maintenance costs and the need for a statement setting out the environmental impact on the proposal, the issue is still under review by the N.T.A. In recent months, vandalism has increased at these bridges.

We have also received several inquiries from the public concerning their future status. Therefore, it would be advisable to arrange for a neighbourhood public meeting to discuss and review options regarding these bridges. Once a public meeting has been held, we will prepare a further report to the Committee with staff recommendations for action.

- RECOMMENDATION -

6

DATE: December 21, 1992
ZA-92-34
Mewburn Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

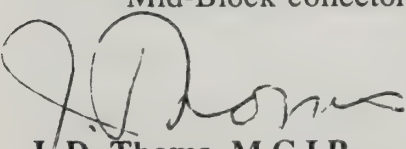
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for changes and modification in zoning - Nos. 1492
and 1500 Upper James Street.

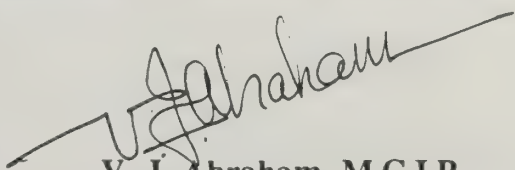
RECOMMENDATION:

That Zoning Application 92-34, 603815 Ontario Inc., (David John Armstrong), owner, requesting changes in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District modified (Block "1"), from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified (Block "2"), and from "C" (Urban Protected Residential, etc.) District modified to "HH" (Restricted Community Shopping and Commercial, etc.) District modified (Block 3), to permit commercial uses including a multiple bay, coin operated car wash, on property located at Nos. 1492 and 1500 Upper James Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

1. The proposal conflicts with the intent of the Official Plan and the approved Mewburn (East) Neighbourhood Plan, in that the site is designated "NEIGHBOURHOOD COMMERCIAL" whereas the proposal is to permit, among other uses, a multiple bay coin operated car which is considered to be a "highway" commercial use which serves the City at large;
2. The proposal conflicts with the intent of the Upper James Street Urban Design Guidelines with respect to permitted uses and the area size;
3. The proposal is premature pending the assembly of adjoining lands to the west to provide for a comprehensive Neighbourhood Shopping facility at the intersection of the proposed Mid-Block collector road and Upper James Street.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed changes in zoning is to permit development of the subject lands for highway commercial type uses, including, a multiple bay coin operated car wash.

- By-Law 86-201

On June 25, 1986, City Council passed By-law 86-201 to modify the established "C" (Urban Protected Residential, etc.) District regulations to permit the buildings or structures existing at the date of passing of the by-law and the land to be used temporarily for the sale of new and used automobiles for a period not exceeding three years from the date of passage of the by-law.

- By-law 90-227

On July 31, 1990, City Council passed By-law 90-227 to further amend By-law 86-201 by providing for a further three year extension to the use of the land and buildings. In addition, the amending by-law provided for a pylon sign for the purpose of business identification in conjunction with the temporary new and used auto sales lot.

- By-law 91-143

On July 30, 1991, City Council passed By-law 91-143 which rezoned adjoining lands to the south at Nos. 1508, 1515 and 1530 Upper James Street from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District modified, to "G-1"-'H' (Designed Shopping Centre - Holding) District modified, and from "C" (Urban Protected Residential, etc.) District to "G-1"-'H' (Designed Shopping Centre - Holding) District modified. The effect of the By-law is to permit future development of the subject lands for townhouses or maisonettes ("RT-20" District), and for a retail shopping plaza ("G-1" District). The By-law also contained variances to establish special requirements with respect to set backs for yards, landscaped areas and visual barriers. In addition, it establishes the holding provisions of Section 35(1) of The Planning Act, R.S.O. by introducing the holding symbol 'H' as a suffix to the proposed zoning districts. The holding provision will prohibit the development of the commercially zoned lands until a site plan is approved for a comprehensive development of the site. To-date, a site plan has not been submitted for approval.

- ZA-92-30

On November 10, 1992, City Council approved an amended zoning application (92-30) to permit the temporary use of land in accordance with Section 38 of the Planning Act, R.S.O. for a period not exceeding three years from the date of passage of the By-law to permit a garden centre/nursery and related uses, for lands to the north of the site in question (1468 - 1478 Upper James Street). To-date the amending By-law has not been forwarded for passage by City Council pending submission and approval of a site plan. The Planning and Development Department did not support the rezoning application for the following reasons:

- "a) The proposal conflicts with the intent of the approved Mewburn (East) Neighbourhood Plan.
- b) The proposal to use the entire site, even on a temporary basis, may jeopardize the establishment of the mid-block collector road and future assembly/development of the lands for their intended use.
- c) Development of the subject lands on the south side of the proposed mid-block collector road is considered premature pending either consolidation with adjoining lands or submission of a plan showing how the lands could be developed on a comprehensive basis."

APPLICANT:

603815 Ontario Inc., (David John Armstrong), owner.

LOT SIZE AND AREA:

An irregular shaped parcel of land having:

- 79.85 m (262.0 ft.) of lot frontage on Upper James Street;
- an average lot depth of 57.8 m (189.67 ft.); and,
- 3,598.0 m² (38,729.7 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	New and used car sales	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District, and "C" (Urban Protected Residential, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	Single-family dwellings and a non-conforming industrial use	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District - (recently rezoned to "C"-'H' (Urban protected Residential, etc.- Holding) District (not finalized)

to the south	Single-family dwelling	"G-1" - 'H' (Designed Shopping Centre - Holding) District
to the east	Single-family dwellings, restaurant and a warehouse	"G" (Neighbourhood Shopping Centre, etc.) District, modified
to the west	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated **Commercial** on Schedule A - Land Use Concept Plan and are located within Special Policy Area 31, 31b and 31c on Schedule "B" Special Policy Areas of the Official Plan. The following policies, among others, would apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as **COMMERCIAL** will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.14 The **EXTENDED COMMERCIAL** category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,
 - ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.
- A.2.2.16 While it is intended that any Commercial use be permitted within the **EXTENDED COMMERCIAL** category, it is also intended that retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, catalogue stores serving domestic consumers, automotive sales, or other uses whose special nature or requirements of size, site and/or buildings are not conducive to location within Ribbon Commercial areas or Shopping Centres, be located within areas of similar large scale Highway Commercial uses.
- A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as **SPECIAL POLICY AREA 31**, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:
- i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses

catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

- ii) In keeping with Clause i) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:
 - b) in AREA "31b", retail/warehouse uses will be permitted in keeping with Policies A.2.2.16 and A.2.2.18; and,
 - c) in AREAS "31c", neighbourhood-based retail and service uses catering to the adjacent Residential areas will be permitted. However, in the case of the Area identified as "31c", located mid-block between Stone Church Road and Rymal Road, in the vicinity of a mid-block collector (as may be determined through the Neighbourhood Plan), retail warehouse uses will also be permitted in addition to neighbourhood-based retail and service uses. Development of these Areas may take place east-west along the collector (as opposed to the Upper James Street frontage).
- iii) In accordance with Subsection D.2., the preparation of Neighbourhood Plans in this AREA will consider the following:
 - a) the location of a mid-block Collector Road between Stone Church Road and Rymal Road;
 - b) the extent of Commercial, mixed Commercial/Residential uses, retail/warehouse uses and neighbourhood-based retail and service uses;
 - c) lot depth, lot frontages and building setbacks to effectively accommodate the appropriate on-site parking, circulation and ingress and egress;
 - d) the location of access points between adjacent uses and to the road;
 - e) utilizing shared access and/or parking facilities with adjacent developments; and,
 - f) utilizing service roads, cul-de-sacs or other appropriate means to reduce the number of individual access points.
- iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:
 - a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;

- b) providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,
- c) ensuring in AREAS 31c compatibility with adjacent Residential uses, pedestrian access to and from the abutting Neighbourhoods and, continuous pedestrian linkage between commercial developments.
- v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architectural quality and design, and landscaping."

The proposal conflicts with the intent of the Official Plan in that Policy A.2.9.3.26 ii) c) encourages neighbourhood commercial uses within the area designated SPA 31c. The car wash is not considered to be a "neighbourhood commercial use". However, if approved, the application will not require an Official Plan amendment.

NEIGHBOURHOOD PLAN:

The subject lands are designated "NEIGHBOURHOOD COMMERCIAL" on the approved Mewburn (East) Neighbourhood Plan, and the northerly part of the site is identified as being part of the proposed "mid - block" collector road on the approved plan. The proposed car wash use is not considered a neighbourhood convenience use, and as such, conflicts with the intent of the approved plan. Retail commercial uses, however, would comply with the intent of the approved plan. Approval of the application would require redesignation to "COMMERCIAL" and dedication of land for the proposed mid - block collector road.

Urban Design Guidelines

Upper James Street Corridor - Mewburn Section

The subject lands are designated Neighbourhood Commercial and are subject to the following Urban Design features:

Location

- Halfway between Stone Church Road and Rymal Road, on north and south sides of proposed mid-block collector road.

Permitted Uses

- Retail and service uses for the adjacent neighbourhood, such as convenience stores, personal services, professional offices.
- Non-highway commercial uses.
- Commercial and apartments mixed use may be considered.

Design

- Angular strip plazas, with frontage on both Upper James Street and the mid-block collector road.
- A triangular open area reserved for pedestrians on the front corners, approximately 310 sq. m (3,337 sq. ft.) in size on each corner.
- Parking area located to the rear of the plazas.
- Maximum building height of 3 to 4 stories, if residential apartments included on upper floors.

Area Size

- Entire area to be developed as a whole, to ensure appropriate design.
- Frontage of 90 m (300 ft.) on Upper James Street.
- Depth of 130 m (425 ft.) along collector road.

Special Features

- Small town atmosphere, appealing to local residents and pedestrian traffic.
- Street furniture to be provided in front open area, including benches, attractive lighting, as well as landscaping.

The proposal conflicts with the permitted uses as well as the area size provisions of the Upper James Street Urban Design Guidelines.

COMMENTS RECEIVED:

- The Building Department has advised that:

"Comments will be made at the Development Agreement stage."

- The Traffic Department has advised that:

"This land abuts the future mid-block collector roadway to the north and a commercial area to the south and west. Access to Upper James Street will be restricted. We would recommend that this property be developed jointly with the commercial area to the south and west so that mutual rights-of-way may be established between the Upper James Street access and the access to the future collector roadway. This mutual right-of-way will allow all properties direct access to Upper James Street and the collector roadway. The intersection of Upper James Street and the collector roadway is a future signal location.

We respectfully request that this zoning application be held pending the approval of a site plan."

- The Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper James Street is 36.58m (120 feet). As a condition of development approval we require that sufficient land be dedicated to the Region of Hamilton Wentworth to establish the property line 18.29m (60 feet) from the centreline of the original Upper James Street road allowance. According to our records this road widening is approximately 3.048m (10 feet) in width. We also understand that this rezoning includes lands at No. 1500 Upper James Street and this should be confirmed by the applicant/owner.

In the absence of any details shown, we advise that any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region of Hamilton Wentworth Roads Use By-law. Should the application be approved, we recommend that these lands be developed through site plan control in order to provide specific comments on access location, design, landscaping, grading, setbacks, etc.

The City of Hamilton Traffic Department is to comment on access location and design. As a condition of development approval we recommend that the mid-block collector be established and constructed to its full width to provide for access to the lands to be rezoned commercial.

According to the Mewburn Neighbourhood Plan, the subject lands are partially designated for internal neighbourhood mid-block collector street purposes. This street is shown in its approximate location on the attached plans. Therefore as a condition of approval, we recommend that the owner enter into a modified subdivision with the City of Hamilton and the Region of Hamilton Wentworth which will include the dedication of the neighbourhood mid-block collector street and daylight triangles to the City of Hamilton and provide for the recovery of servicing costs to the Region and the City of Hamilton for this street. This mid-block collector street must align centreline to centreline with the mid-block collector on the east side of Upper James Street as shown on Expropriation Plan No. 9535.

We also recommend that these lands be developed in conjunction with lands to the south and to the west to provide for shared access to Upper James Street and to the mid-block collector street.

The future widening and reconstruction of this section of Upper James Street will include the construction of raised concrete median islands on Upper James Street which will restrict direct access to Upper James Street to right turns in and right turns out only."

- The Hamilton Region Conservation Authority has no comments or objections.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. However, if approved, an Official Plan amendment is not required.

2. The proposal conflicts with the intent of the approved Mewburn (East) Neighbourhood Plan. Approval of the application would require redesignation to "COMMERCIAL" and dedication of land for the proposed mid - block collector road.
3. The application as submitted cannot be supported for the following reasons:
 - It conflicts with the intent of the Official Plan in that Special Policy Area 31c only permits neighbourhood-based retail and service uses catering to the adjacent residential areas. The proposal to permit a wide range of retail commercial uses, as well as a multiple bay, coin operated car wash is representative of "Highway Commercial" development which serves the City at large.
 - The approved Mewburn (East) Neighbourhood Plan designates the subject lands, as well as the adjoining lands to the south and west, "Neighbourhood Commercial". The proposed car wash is not considered to be a neighbourhood commercial use, and as such, conflicts with the intent of the approved Plan.
 - The proposal conflicts with the following Upper James Street Urban Development Guidelines:

Use

- Retail and service uses for the adjacent neighbourhood, such as convenience stores, personal services, professional offices.
- Non -highway commercial uses.
- Commercial and apartments mixed uses may be considered.

Area Size

- Entire area to be developed as a whole, to ensure appropriate design.
- Depth of 130 m (425 ft.) along collector road.
- The proposal is premature pending their consolidation with adjoining lands to the south and west, or submission of a plan showing how the lands at this location could be developed to provide for a comprehensive neighbourhood shopping facility at the intersection of the proposed neighbourhood collector road and Upper James Street.
- Approval of this application could jeopardize the establishment of the mid-block collector road and future assembly and development the corner site for its intended use.

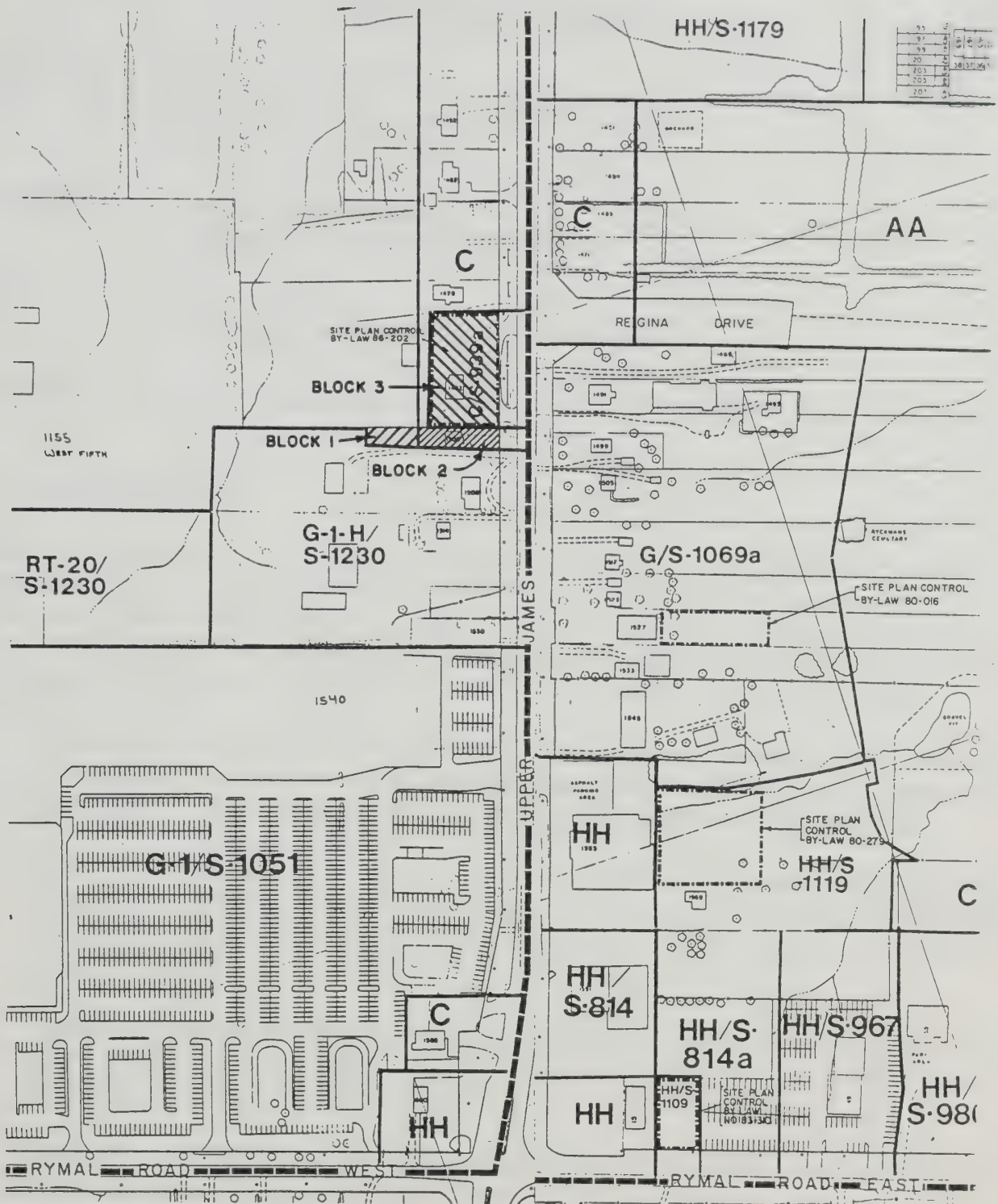
In this regard, the Traffic Department has expressed concerns regarding the comprehensive development of this site with the adjoining lands to the south (approved subject to submission of a site plan) and west to provide for mutual rights-of-way, as well as providing access to Upper James Street and the proposed mid-block collector road, and they recommend that the application be held pending the approval of a comprehensive site plan.

4. The Roads Department recommends that the owner enter into a modified subdivision agreement with the City and the Region of Hamilton-Wentworth which will include the dedication of the neighbourhood mid-block collector street and daylight triangles to the City and provide for the recovery of servicing costs to the Region and the City of Hamilton for this street.
5. The requested "HH" (Restricted Community Shopping and Commercial) District, modified is inappropriate for development of a neighbourhood commercial site, as it may set the stage for future rezoning applications to provide for a wider range of highway commercial uses which serve the city at large, rather than commercial uses which serve the immediate needs of the neighbourhood. The most appropriate zoning for a Neighbourhood Shopping facility would be a "G-4" District which provides for a limited number of neighbourhood commercial uses.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

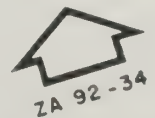
GAW/ma
WPZA9234



Legend

Proposed change in zoning from:

- | | | |
|---------|--|---|
| BLOCK 1 | | "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified. |
| BLOCK 2 | | "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified. |
| BLOCK 3 | | "C" (Urban Protected Residential, etc.) District, modified to "HH" (Restricted Community Shopping and Commercial) District, modified. |



CITY OF HAMILTON

- RECOMMENDATION -

7

DATE: December 16, 1992
ZA-92-33
Rushdale Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

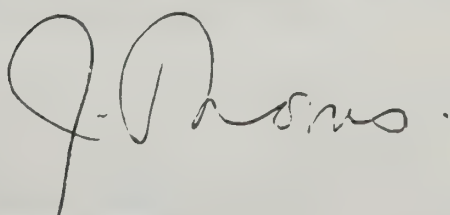
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in Zoning - No. 1324 Upper Sherman Avenue.

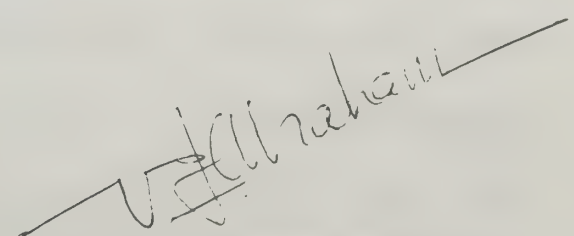
RECOMMENDATION:

That Zoning Application 92-33, Elia Homes 810379 Ontario Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, to permit the development of the subject lands for two (2), 2 storey, 4 unit multiple dwellings and one (1), 2 storey, 6 unit multiple dwelling for the property located at 1324 Upper Sherman Avenue, shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) it conflicts with the intent of Official Plan, in that it would be incompatible with existing and proposed development in the immediate area in terms of bulk, scale, gradation and arrangement, which would ultimately contribute to an undesirable housing mix;
- ii) it conflicts with the intent of the approved Rushdale Neighbourhood Plan which designates the property "ATTACHED HOUSING" (i.e., approx. 9 units). In this regard the proposal represents "LOW DENSITY APARTMENTS" (i.e., 14 units or approx. 25 units per acre);
- iii) approval of the application is premature pending consolidation with the adjoining lands to the south (i.e., 1328 Upper Sherman Avenue) in order that these lands can be developed on a comprehensive basis; and,
- iv) approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and change the character of the established residential area.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Elia Homes 810379 Ontario Inc., owner.

BACKGROUND:

- Proposal

The applicant has proposed two (2), 2 storey, 4 unit multiple dwellings and one (1), 2 storey, 6 unit multiple dwelling with a total of eighteen parking spaces (See Appendix "B"). The existing one storey single-family home will be demolished.

- Zoning Application 89-101

On August 28, 1990 City Council adopted the recommendation of the Planning and Development Committee with respect to the above-mentioned application for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, to permit a townhouse development on property located at Nos. 1334, 1340, 1342, and 1348 Upper Sherman Avenue which is located to the south of the subject lands.

On June 16, 1992 the O.M.B. dismissed the appeal to By-law 90-283, respecting the above-mentioned zoning application.

LOT SIZE AND AREA:

- 26.19 m (85.93 ft.) of lot frontage on Upper Sherman Avenue;
- 86.26 m (283.02 ft.) of lot depth; and,
- 2260.0 m² (24,318 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-Family Dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Single Family Dwellings	"R-4" (Small Lot Single - Family Detached) District
to the east	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District

to the west	Single Family Dwellings	"R-4" (Small Lot Single - Family Detached) District and "C" (Urban Protected Residential, etc.) District
to the south	Single-Family Dwelling	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density use."

In addition, policies from Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
 - viii) Other Similar actions or matters as Council may deem appropriate.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
- vii) Encourage development at densities conducive to the operation of Public Transit and which utilizes designs or construction that are energy efficient."

In conclusion, the proposal conflicts with the intent of the above-mentioned Official Plan policies (i.e., A.2.1.1, A.2.1.13, A.2.1.14, C.7.1, C.7.2 and C.7.3.) on the following basis:

- it is incompatible with established and proposed densities of development in the area;
- it would contribute to an undesirable housing mix in that it would not integrate and be sensitive to the adjoining development in terms of bulk and arrangement; and,
- the proposed gradation of the development does not complement the adjoining lower density development (i.e., single-family dwellings), and does not provide sufficient spacing to maintain privacy, amenity and value.

However, if approved, an amendment would not be required.

NEIGHBOURHOOD PLAN:

The lands are designated "ATTACHED HOUSING" on the approved Rushdale Neighbourhood Plan. The proposal does not comply with the intent of the Plan. Approval of the application would require a redesignation to "LOW DENSITY APARTMENTS".

RESULTS OF CIRCULARIZATION:

- The following Agency and Departments have no comment or objection:
 - Hamilton Region Conservation Authority, and;
 - Union Gas.
- The Roads Department has advised that:

"There are existing watermains available to service these lands. There are existing storm and sanitary sewer stubs available to service these lands within an easement over the rear portion of Nos. 63, 67, 71 and 75 Rushdale Drive.

The designated road allowance width of Upper Sherman Avenue is 30.48 m (100 feet). According to our records, the Region previously acquired the required road allowance

widening on Upper Sherman Avenue by Instrument No. 250220 H.L. Therefore we do not anticipate any further road allowance widenings at this time.

Any works which may occur within the Upper Sherman Avenue road allowance as widened must conform to the Region of Hamilton-Wentworth Roads Use By-law.

The Traffic Department is to comment on loading access and access design. Due to the presence of a vertical crest curve on Upper Sherman Avenue, we require that the access, if approved, be located at the south limits of the property to maximize motorists visibility. We recommend that the subject lands be developed through site plan control at which time we will provide more detailed comments on access, grading, setbacks, landscaping etc.

According to the approved Rushdale Neighbourhood Plan, the subject lands are designated for attached housing. Previous development applications have been submitted on lands on the west side of Upper Sherman Avenue from Stone Church Road to Ruby Street. In the past we have recommended that development of lands on the west side of Upper Sherman Avenue be consolidated since remnant residential properties would remain. We therefore recommend that, if possible, these lands be developed in conjunction with lands to the south in order that these lands can be developed in an orderly manner."

- The Traffic Department has advised that:

"It appears that the density of this site is too large for the size of the property. This land and the properties to the south are designated for attached housing. We would prefer to see this land developed with the adjacent properties to the south, so that a comprehensive site may be developed.

The applicant has submitted a site plan that indicates an aisle with a width of 5.5 metres. We would request that a 6.0 metre aisle be provided. The location of the loading space does not allow for proper truck manoeuvring. A truck would not be able to access this loading space."

- The Building Department has advised that:

- "1. No openings of any type are allowed on the north side of the three (3) buildings.
2. Visual barrier fences are required on the north and south lot lines. The area to be fenced are between the buildings where the parking and loading are shown."

COMMENTS:

1. The proposal conflicts with the intent of Official Plan, in that it would be incompatible with existing and proposed development in the immediate area in terms of bulk, scale, gradation and arrangement, which would ultimately contribute to an undesirable housing mix.

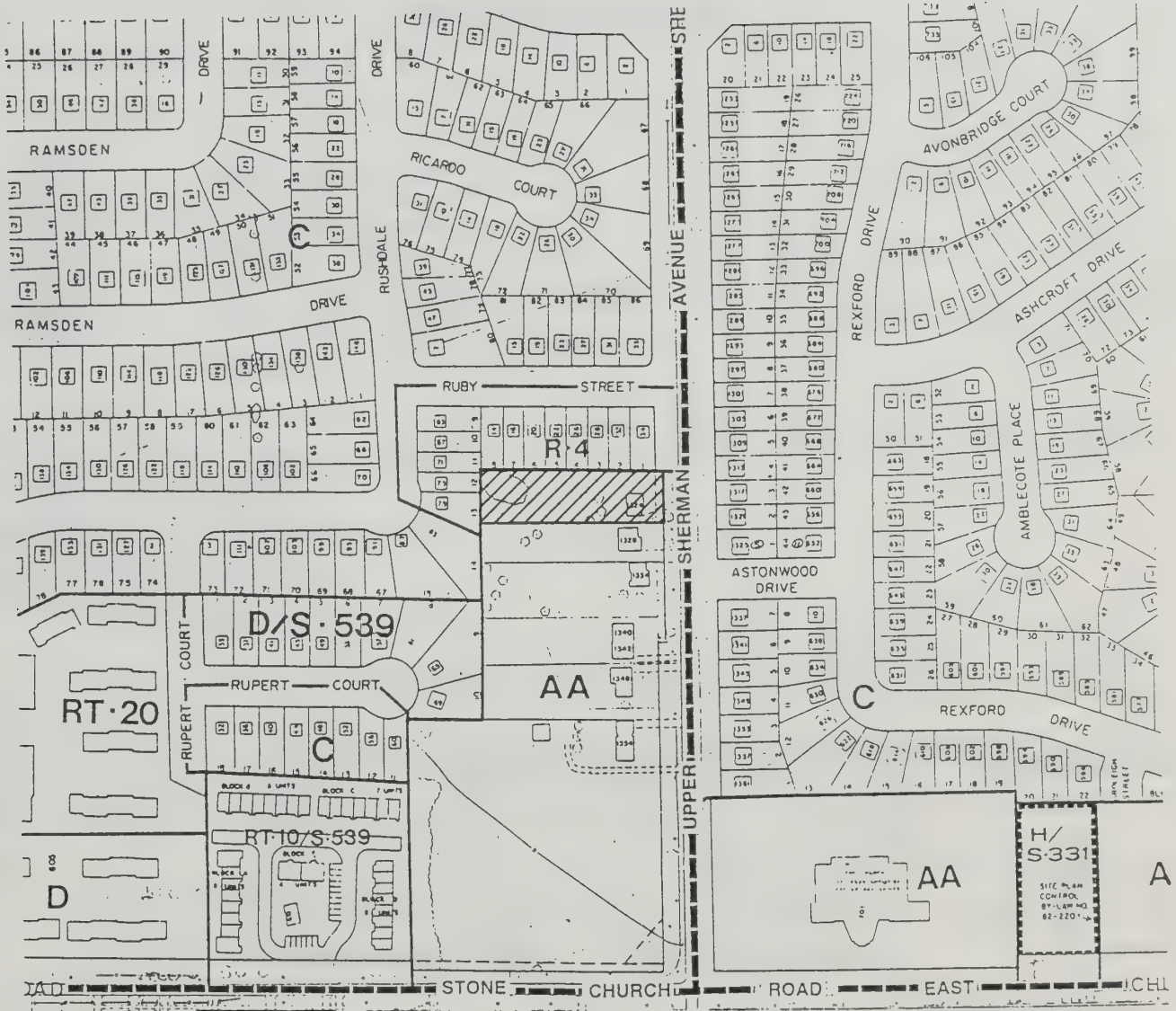
However, if approved, an amendment would not be required.

2. The proposal conflicts with the intent of the approved Rushdale Neighbourhood Plan which designates the lands "ATTACHED HOUSING". Approval of the application would require a redesignation to "LOW DENSITY APARTMENTS".
3. The proposal cannot be supported for the following reasons:
 - i) it is contrary to the intent of the Official Plan, in that the proposal is incompatible with existing and proposed development in the immediate area in terms of bulk, and arrangement, which would ultimately contribute to an undesirable housing mix; and further, the proposed gradation of the development does not complement the adjoining lower density development (i.e. single-family dwellings);
 - ii) it conflicts with the intent of the approved Rushdale Neighbourhood Plan which designates the property "ATTACHED HOUSING" (i.e., approx. 9 units). In this regard the proposal represents "LOW DENSITY APARTMENTS"(i.e., 14 units or approx. 25 units per acre);
 - iii) approval of the application is premature pending consolidation with the adjoining lands to the south (i.e., 1328 Upper Sherman Avenue) in order that these lands can be developed on a comprehensive basis; and,
 - v) approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and change the character of the established residential area.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

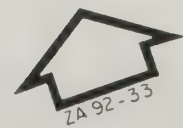
JL/
WPZA9233



Legend



Site of the Application

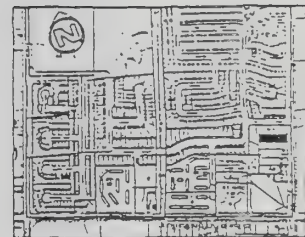


APPENDIX A



PROPOSED WEST-EAST SITE SECTION

SCALE: 1" = 150'



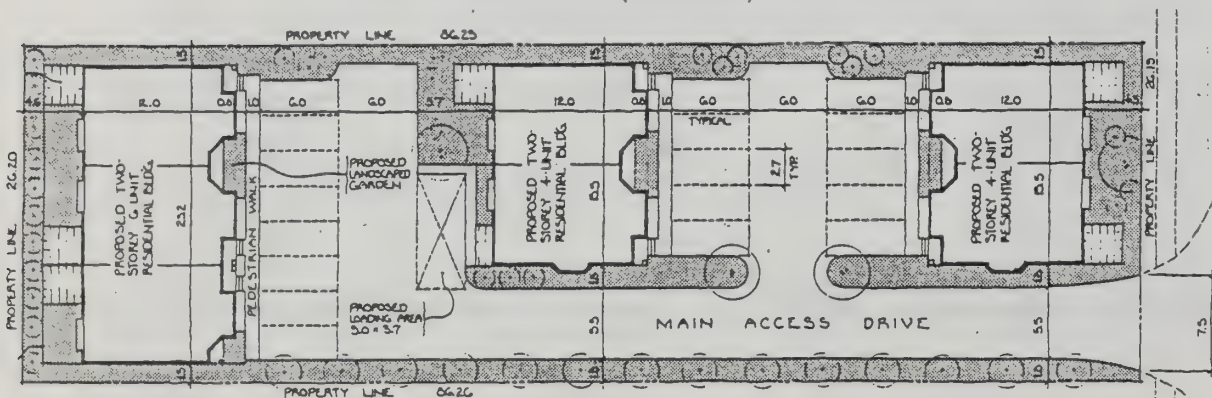
TYPICAL FRONT ELEVATION

SCALE: 1/8" = 1'-0"



DATA SCHEDULE:

TOTAL SITE AREA:	2260 m ²
BUILDING COVERAGE:	27.6% (623 m ²)
LANDSCAPING COV'G:	53.8%
BUILDING HEIGHT:	9.0m (2-STORIES)
PROPOSED PARKING:	10 SPACES (14 UNITS = 125)
UNIT QUANTITY:	14 UNITS (7 UNITS = 360 sq.ft.)



PRELIMINARY - SITE PLAN PROPOSAL

SCALE: 1" = 150'

UPPER SHERMAN AVE.

PROJECT	
HARDWARE	
THE CITY OF HAMILTON	
PROJECT NAME: A FLEETING PROPOSAL	
FOR: ELIA HOMES	
1152 UPPER SHERMAN AVE.	
FABIANI ARCHITECT	
FABIANI ARCHITECT, 1152 UPPER SHERMAN AVE.	
DRAWING TITLE:	
PRELIMINARY SITE PLAN	
SITE SECTION + ELEVATION	
PROJECT NO.	DRAWING NO.
# 3205	P.1.

APPENDIX B

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 December 21
ZA-92-43
Kirkendall North

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for rezoning - 331 Hunter Street West

RECOMMENDATION:

That approval be given to amended Zoning Application 92-43, Citsalp Industrial Plastics Limited, owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District modified to permit limited commercial uses, for property located at 331 Hunter Street West, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District;
- ii) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as set out under Section 13 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 13(1) of By-law No. 6593, only the following uses shall be permitted:
 - 1) general offices;
 - 2) a photographer's or artists studio, but not including a motion picture studio;
 - 3) a barber shop, hairdressing establishment, or beauty parlour;

- 4) a collecting and distributing station for a laundry or dry cleaner;
 - 5) a variety store;
 - 6) a shoe repair shop;
 - 7) a retail clothing store; and,
 - 8) a business identification sign in accordance with Clause (xv).
- b) That notwithstanding Section 13(3) of By-law No. 6593, the following minimum yards shall apply:
- 1) front west 1.5 metres (Locke Street), except a minimum of 3.0 metres shall be provided and maintained along the westerly lot line within 6.0 metres of the northerly lot line;
 - 2) side north 1.5 metres (Hunter Street);
 - 3) side south 7.2 metres; and,
 - 4) side east 1.5 metres.
- c) That notwithstanding Sections 18A, the following will be required:
- 1) a landscaped planting strip of not less than 1.5 metres shall be provided and maintained where the lot adjoins a residential district;
 - 2) a landscaped planting strip of not less than 1.5 metres shall be provided and maintained along Hunter Street and Locke Street, except for access driveways; and,
 - 3) a visual barrier of not less than 1.2 metres in height and not more than 2.0 metres in height shall be provided and maintained where the lot adjoins a residential district, except no visual barrier shall be situated less than 3.0 metres distance from the front lot line.
- d) That notwithstanding Section 18A(26) an access driveway shall be located not less than 1.5 metres from the southerly side yard.

- iii) That the amending By-law be added to Section 19B of Zoning By-law No.. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-13 be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map W-13 for presentation to City Council;
- v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- vi) That the Kirkendall North Neighbourhood Plan be amended to redesignate the subject lands from "Single and Double Residential" to "Commercial".

EXPLANATORY NOTE:

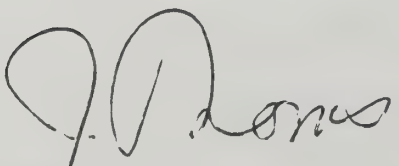
The purpose of the By-law is to provide for a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwelling, Townhouses, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District.

The effect of the By-law is to permit the development of the subject lands for commercial uses limited to the following:

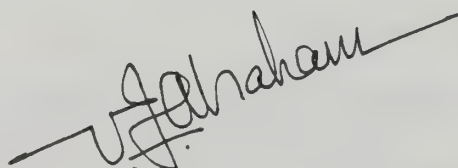
- general offices;
- photographer's or artist's studio, but not including a motion picture studio;
- barber shop, hairdressing establishment or beauty parlour;
- collecting and distributing station for a laundry or dry cleaner;
- variety store;
- shoe repair shop;
- retail clothing store and,
- a business identification sign.

In addition, the By-law includes the following variances as special requirements:

- minimum yard requirements as follows:
 - Locke Street 1.5 metres, whereas 6.0 metres is required, except a minimum of 3.0 metres shall be provided and maintained along the westerly lot line within 6.0 metres of the northerly lot line;
 - Hunter Street 1.5 metres, whereas 0.0 metres is required;
 - south lot line 7.2 metres, whereas 1.2 metres is required; and,
 - side east 1.5 metres, whereas 1.2 metres is required.
- a landscaped planting strip of not less than 1.5 metres and a visual barrier of not less than 1.2 metres in height and not more than 2.0 metres in height to be provided and maintained where the lot adjoins a residential district, except no visual barrier shall be closer than 3.0 metres from the front lot line (Locke Street);
- a landscaped planting strip of not less than 1.5 metres adjacent to Locke and Hunter Streets, except for an access driveway; and,
- an access driveway to be provided and maintained no closer than 1.5 metres to the southerly lot line, whereas an access driveway is permitted no closer than 3.0 metres to a residential district.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to rezone the subject lands from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District to permit development for commercial uses.

- Committee of Adjustment Application A-91:77

On May 1, 1991, the Committee of Adjustment denied an application on the subject lands for relief from the provisions of Zoning By-law No. 6593 so as to permit the erection of a two-family semi-detached dwelling on the lands with the following variances: a minimum lot width of 10.45 m (34.3 feet), whereas 18.0 m is required; a minimum lot area of 381.26 m² (4,104 square feet), whereas 540 m² (5,812.7 square feet) is required; and, to permit an uncovered porch and steps as close as 0.30 m (1.0 feet) to Locke Street South instead of 1.5 m (4.92 feet) away.

The Planning Department's comments were:

" Upon review of the proposal, it is noted that a similar application, A-89:323, for the same property, was made in 1989 at which time the Department did not support the proposal for the following reasons:

The proposal represents an over-intensification of use, in that the lot width is only 34.3' and the lot area is only 4,104 sq. ft., whereas 59.06' and 5,812.7 sq. ft. respectively are required by the by-law. Furthermore, the reduction from 4.92' to 1.0' for the steps and porch from Locke Street South is not minor in nature. The cumulative effect of the proposed variances are not considered to be minor in nature, or in keeping with the intent and purpose of the by-law. Furthermore, an approval of the application may encourage other similar applications, which if approved, would undermine the intent of the by-law. Accordingly, the relief requested cannot be supported.

It is felt that a single-family dwelling would be more appropriate development of the site.

Furthermore, it is noted the plan submitted with both applications is the same and that an uncovered porch and steps is shown on both, therefore, a further variance would be required to permit the uncovered porch and steps to be located as close as 1.0' to Locke Street South whereas 4.94' is required. This variance is also not considered to be minor and should be denied.

Since no new evidence has been brought forward to support the application and the situation has not changed, the relief requested cannot be supported and should be denied."

- Committee of Adjustment Application A-89:323

The Committee of Adjustment, on November 22, 1989, considered a proposal for relief from the provisions of the Zoning By-law No. 6593 so as to permit the erection of a two-family semi-detached dwelling on the lands with exactly the same variances as A-91:77.

The Planning Department did not support the application for the reasons given above.

- By-law No. 75-331

City Council, on December 9, 1975, rezoned the subject lands from "H" (Community Shopping and Commercial, etc.) District to "D" (Urban Protected Residential - One and Two-Family Dwelling, Townhouses, etc.) District. This rezoning was consistent with Council's approval of the Kirkendall North Neighbourhood Plan on June 24, 1975.

APPLICANT:

Citsalp Industrial Plastics Ltd., owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 10.5 metres (34.48 feet) on Hunter Street West;
- a frontage of 30.48 metres (100.0 feet) on Locke Street South; and,
- a lot area of 381.31 m² (4,104 square feet).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north	retail with apartments above and two family dwellings	"H" (Community Shopping and Commercial, etc.) District and "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the east	single and two family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the south	low rise apartments and two family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the west	commercial	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Commercial** on Schedule "A" - Land Use Concept of the Official Plan. The following policies apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as **COMMERCIAL** will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition ...

- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,
- A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
 - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
 - iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.
- A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.
- A.2.2.37 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use.
- A.2.2.39 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated **Single and Double Residential** in the approved Kirkendall North Neighbourhood Plan. The proposal conflicts with the intent of the approved Neighbourhood Plan. If the application is approved, the lands will have to be redesignated **Commercial**.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and GO Transit have no concerns or objections.
- The Building Department advises:
 - "1. Locke Street is considered the front lot line.
 2. The following minimum yards are required:

front (west)	6.0m
side (north)	0.0m
side (south)	1.2m
side (east)	1.2m
rear (east)	4.5m
 3. The access driveway shall be at least 3.0m from the residential district to the south.
 4. The parking spaces and manoeuvring space do not provide the minimum dimensions."
- The Hamilton-Wentworth Roads Department advises:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

According to our records the existing road allowance width of Hunter Street West is 15.24m. Therefore, we do not anticipate any further road allowance widenings at this time.

The existing road allowance width of Locke Street is variable between Main Street and Aberdeen Avenue. According to our records the road allowance width adjacent to the subject lands is approximately 18m. Therefore, we do not anticipate any further road allowance widenings at this time.

In our previous comments on the Committee of Adjustment Application (A-89:323), we recommended that the building, steps etc. be setback a minimum of 1.5m (4.92 ft.) from Locke Street to ensure adequate motorist sight visibility at the intersection of Hunter Street and Locke Street now and in the future should Locke Street be reconstructed to a standard four-lane roadway. The plans submitted by the applicant indicate a setback of 0.458m (1.48 ft.) and we recommend that the site plans be amended accordingly.

Comments from the City of Hamilton Traffic Department with respect to the access location and design, sight distances etc. should be considered. The proposed driveway is 3.048m wide and enters the street between the building and the closed board fence to the south. We require 5m x 5m daylight triangles between the access and the property line in which the maximum height of any object, mature vegetation etc, is not to exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Locke Street. The closed board fence should be setback 3 to 5 metres from the Locke Street road allowance.

Any works which may occur within the Locke Street or Hunter Street road allowances must conform to the City of Hamilton Streets By-law. We recommend that the subject lands be developed through site plan control at which time we will submit more detailed comments."

- The City Traffic Department advises:

"We have been advised by the Roads Department that the building should be set back a minimum 5 feet from the west property line to provide adequate visibility from the driveway.

We suggest that the driveway be widened to a minimum 6.0m to allow for the two-way movement of vehicles. Conflicts between vehicles using a 10 foot wide driveway may interfere with the through traffic on Locke Street. Also, we recommend that the lands be placed under site plan control."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

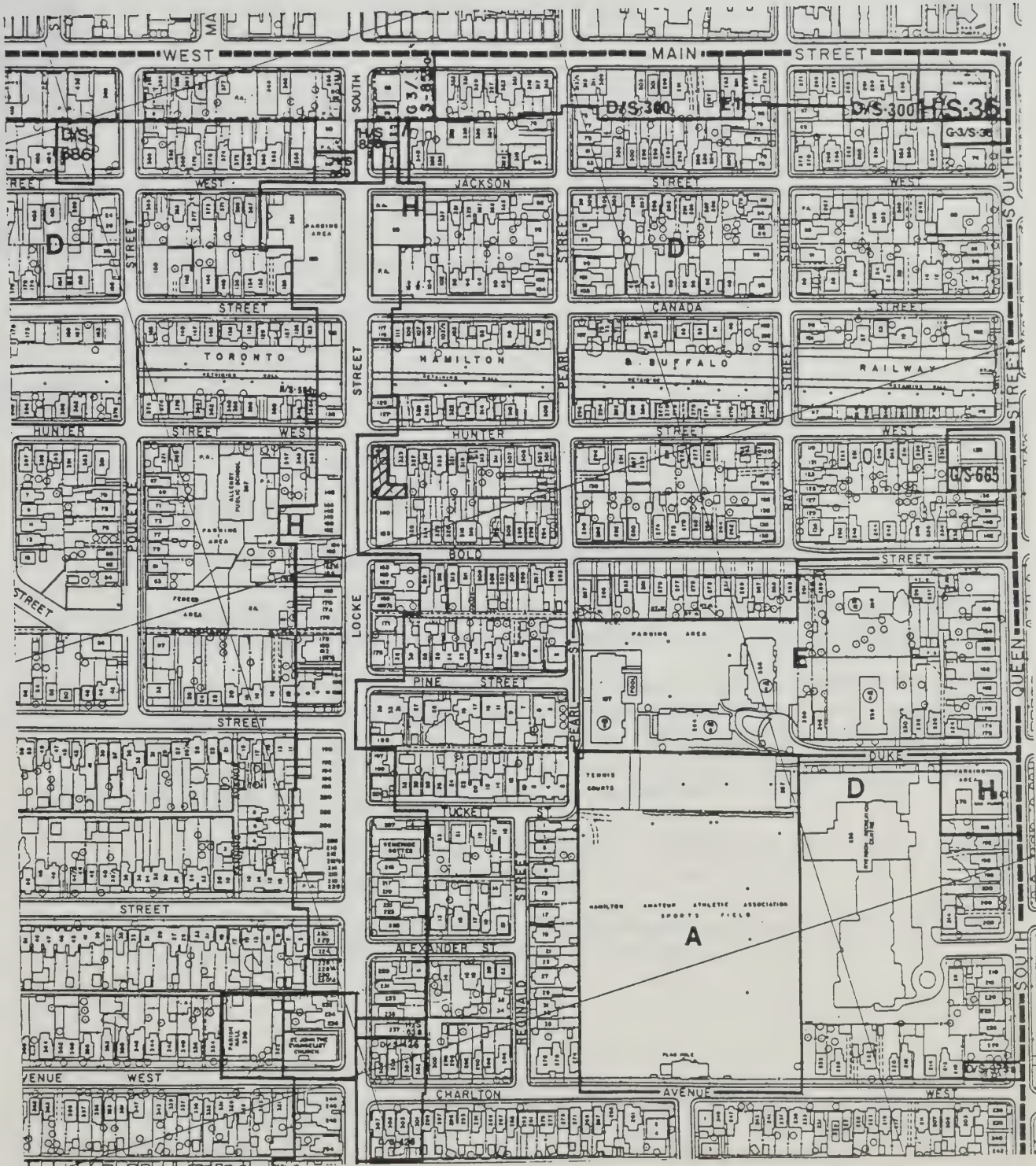
2. The proposal does not comply with the intent of the approved Kirkendall North Neighbourhood Plan. Approval of the application will necessitate an amendment to redesignate the lands from "Single and Double Residential" to "Commercial".
3. An amended application to rezone to "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit a limited range of commercial uses can be supported on the following basis:
 - it complies with the intent of the Official Plan which supports "ribbon" commercial development on smaller lots serving predominantly residents and pedestrians in the adjacent residential neighbourhood;
 - the subject lands are an anomaly located at the edge of a residential area with residential uses to the east and south, but with frontage on a local collector (Locke Street) developed with commercial uses (north and west);
 - the subject lands are vacant and detract from the general character and amenity of the area; and,
 - the proposed limited commercial uses are in keeping with existing commercial development along Locke Street and would not be incompatible with adjacent residential uses.
4. For the information of the Committee, subject lands were rezoned from "H" (Community Shopping and Commercial, etc.) District to "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District as a result of Council's approval of the Kirkendall North Neighbourhood Plan in 1975.
5. To ensure compatibility between the adjacent residential uses and the proposed commercial uses, it is appropriate to provide certain mitigative measures including: a visual barrier along those lot lines adjoining residential uses; and, requiring a minimum 1.5 metre landscape strip along the same lot lines.
6. The Traffic and Roads Department expressed concerns regarding setbacks from both Locke and Hunter Street, as well as the width of the proposed access drive. On this basis, variances to address these concerns can be supported.

7. The "G" (Neighbourhood Shopping Centre, etc.) District is under site plan control. On this basis, matters regarding the proximity to adjacent residential uses and grade differences on the site can be addressed accordingly.

CONCLUSION:

On the basis of the foregoing, the amended application can be supported.

CF/
ZA9243



Legend



Site of the Application



ZA-92-43

B7C

DEC

8a

CITY CLERKS

December 15, 1992

Secretary
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir or Madam:

Re: File ZA-92-43, 331 Hunter Street West

Please register our objection to the proposed changes in zoning above.

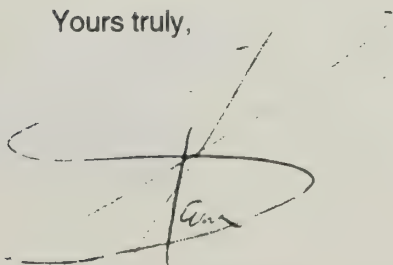
Our concerns are parking related. As the business located directly across the street at 140 Locke Street South we already have a situation where there is inadequate parking facility.

We have our own parking lot adjacent to our business and are constantly having to police it for overflow from surrounding businesses. Most area business do not have a parking facility for their customers. Street parking in front of our building is utilized to capacity by our customers and others coming to Locke Street. Street parking on Locke Street in front of the 331 Hunter Street West property is designated as a bus stop and therefore is not available.

We have had a number of customers complain that they have not been able to find adequate parking within blocks of our store and have had to go elsewhere.

In light of this situation we request that The Committee recommend the provision of a minimum of 4 parking spaces per retail unit built on the site.

Yours truly,



Shawn Chamberlin
President

140 LOCKE
STREET
SOUTH
HAMILTON
ONTARIO
L8P 4A9
(416) 524-1972

CITY OF HAMILTON
- RECOMMENDATION -

Added Item
for Planning and
Development Committee
-1993 January 6

DATE: December 16, 1992.

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

D. Lobo
Director of Public Works

SUBJECT: Commercial Facade Programme

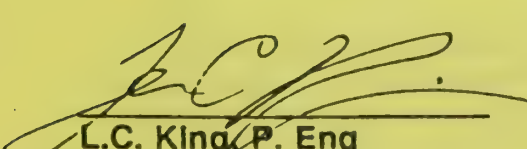
RECOMMENDATION:

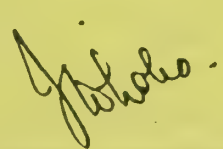
That \$500,000. from the Commercial Improvement Programme be used to implement a new commercial loan programme for the upgrading of the interior of commercial buildings located in Business Improvement Areas, (B.I.A.'s).

That the funds be incorporated into the existing Commercial Facade Programme which was previously limited to the exterior of the buildings located in B.I.A.'s.

That the Building Department be responsible for the implementation of the Programme as per Appendix A.

That the City's Law Department be directed to prepare the necessary Implementation By-law for a Commercial Loan Programme under Section 28 or Section 22 of the Planning Act.


L.C. King, P. Eng
LCK/DL/JHR/JM/dc



D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The implementation of this Programme does not represent any additional funding requirements as the money has already been approved under the Commercial Improvement Programme, which was financed under the Capital Budget. The balance of the funds in that Programme will be committed in 1993 throughout Hamilton's B.I.A.'s.

BACKGROUND:

The City of Hamilton established a Commercial Facade Loan Programme for businesses located in B.I.A.'s in late 1986. The Programme is designed to help those businesses who have joined together to form B.I.A.'s and are taxing themselves in order to upgrade and encourage commercial growth in their area. Since that time, the City has committed \$907,359. The funds were limited to owners of buildings with a maximum of \$15,000. per business and a maximum of \$45,000., per building. During the course of implementation it became obvious that additional help was needed for owners of businesses, who did not own the property, as well as a need to fund interior renovations. The problem, with expanding the Programme however, led to concerns on security. The solution is, to minimize the risk factor, to secure a loan on other real property. In cases where there is no real property, we are recommending the loan be limited to \$2,000., which will be secured by Promissory Note. The terms of the Programme, as outlined on Appendix A, address those issues. It should be noted that under the current programme we have no defaults and everyone is making payments. It is acknowledged that under the new Programme we are increasing our risk, but it should be limited and will be monitored closely.

This plan has been created with the input of the Downtown Action Plan Coordinating Committee, which is made up of representatives of all the B.I.A.'s, including Alderman W. McCulloch. They have endorsed the Programme and indicate that this is a good use of Commercial Improvement Programme Funds.

The Building Department and the Department of Public Works therefore recommend the establishment of a Commercial Improvement Loan Programme with \$500,000. from the Commercial Improvement Programme and that it be administered by the Building Department as per Appendix A attached.

c.c. Alderman Wm. McCulloch, Alderman, Ward 2

APPENDIX A

COMMERCIAL LOAN PROGRAMME

- Both owners and tenants eligible.
- Maximum loan for interior work \$10,000. per municipal address.
- If owner/occupant maximum loan \$45,000. facade and \$30,000. Interior for \$75,000. on three businesses.
- Loan rate one half City's prime amortized over maximum 10 years.
- Loan secured by Promissory Note and Lien registered on Commercial property or if renting a Lien would be place on any real property. The owner must have at least 20% equity in real property before loan will be approved.
- B.I.A. levy and business taxes must be current and if owner occupied the property taxes must be current.
- B.I.A. must be in existence for at least one year and levy must average \$100. per business.
- B.I.A. will prepare a recommendation on loan which will be sent to the Planning and Development Committee along with Department's recommendation.
- All money collected on repayment will be placed in recyclable account in order to continue the Programme.
- If business owner has no real property a maximum loan of \$2,000. will be provided as it will only be secured by Promissory Note. Admortization period will be maximum of 3 years. (At 3 years at 3% monthly payment, \$58.16)
- Department charge 1 1/2 % or \$200. whichever is more as an administration fee. This will become an eligible expense on the application.
- The funds will be made available based on the number of businesses located in a B.I.A.

ELIGIBLE ITEMS

- Interior fixtures including partitions.
- Interior decorating including lighting, painting, wallpaper, etc.
- "Built in" showcases, freezers, special plumbing, etc.
- Interior signage.
- Each application will be based on own merits but those items deemed chattels will not be eligible, (tables, desks, chairs, cash registers, etc.,).



URBAN/MUNICIPAL
CA40N HBL AOS
CSIP4
J.J. SCHATZ
CITY CLERK 1993

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700
FAX: 546-2095

1993 January 13

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday, 1993 January 20
9:30 o'clock a.m.
Room 233, City Hall**

A handwritten signature in dark ink, appearing to read 'Tina Agnello'.

Tina Agnello, Secretary
Planning and Development Committee

A G E N D A:

1. **CONSENT AGENDA**
2. Referral back from Council, Objection to By-law 92-281 regarding Housing Intensification Strategy
3. **BUILDING COMMISSIONER**

Demolitions:
 - (a) 589 Main Street East
 - (b) 593 Main Street East
 - (c) 595 Main Street East

4. **RAINWATER LEADER REPORTS**

4.1 **Building Commissioner and Senior Director, Roads Department**

By-law 80-245 as amended by By-law 88-09 respecting land drainage

4.2 **Building Commissioner**

Rainwater Leader By-law - 1606-1626 Upper Gage Avenue

5. **DIRECTOR OF LOCAL PLANNING**

- (a) Amended ZA-92-34, 603815 Ontario Inc. (David John Armstrong), owner, for changes in zoning from: "AA" District to "HH" District, modified, for Block "1"; from "C" District to "HH" District, modified, for Block "2"; and from "C" District, modified, to "HH" District, modified, for Block "3"; for property located at No. 1492 Upper James Street; Mewburn Neighbourhood.
- (b) Holding of Planning and Development Committee public meetings in Council Chambers.

6. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

1993 Departmental User Fees - Second Report

PUBLIC MEETINGS

10:30 O'CLOCK A.M.

- 7. Zoning Application 92-47, Enrico Mancinelli and Ricardo Persi, owners, for a change in zoning from "AA" District to "R-2" District, for property located at Nos. 1340, 1342 and 1348 Upper Sherman Avenue; Rushdale Neighbourhood.
- 8. City Initiative 92-E, for a change in zoning from "D" District to "H" District, for property located at Nos. 290-296 Victoria Avenue North; Landsdale Neighbourhood.

9. Amended Zoning Application 91-17, St. Elizabeth Home Society, owner, for changes in zoning from "AA" District to "DE" District, modified, for Block "1"; "RT-20" District for Block "2"; and "B-2" District for Blocks "3" and "4"; for lands located north of Rymal Road West and east of Garth Street; Sheldon Neighbourhood.

Submissions: (a) John and Bonnie Jean Rennie, 120 Christopher Drive, Hamilton, L9B 1G8

(b) Mr. and Mrs. J. E. Kelly, 1455 Garth Street, Unit 18, Hamilton, L9B 1T4

(c) Janice Lattin, TransCanada Pipelines, Calgary, Alberta, T2P 4K5

11:00 O'CLOCK A.M. (not a public meeting)

10. Amended Zoning Application 92-07, St. Stephen-on-The-Mount Anglican Church, owner, for a change in zoning from "H" District to "E" District modified for Blocks "1" and "2", for property located at No. 625-635 Concession Street; Eastmount Neighbourhood (previously tabled)

(a) Submission: Robert Ellis, 34 Poplar Avenue, Hamilton, L8V 2S6

11. **ADJOURNMENT**

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Mobile Signs		Planning	Report Pending
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
Grading Requirements	1992 February 19	Roads Department	Report Pending
Roof Water Connections	1992 March 25	Building	Report Pending
11-13 Holmes Avenue 19th century log home	1992 June 24	Planning	Report pending
ZA-91-12 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations btwn. parties

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
ZA-92-03 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
ZA-92-19 412 Charlton Avenue West	1992 September 23	Traffic	Tabled for review of traffic conditions
ZA-92-08 1907 King Street East	1992 September 23	Applicant Faith Evangelical Lutheran Church	Tabled to resolve neighbours concerns
Definition of "foster home" and "residential care facility"	1992 November 18	Alderman T. Cooke	Planning and Building Building departments to prepare a report
Amended ZA-92-07 St. Stephen on the Mount Anglican Church	1992 December 2	Applicants	Tabled to 1993 Jan. 20 meeting to allow a meeting to resolve neighbours concerns
Lot Grading with respect to land severances creating one, two or three lots	1993 January 6	Roads and Building Departments	Report requested by 1993 February 3
Development of lands at south-west intersection of Rice Avenue and Chedmac Drive - formerly Presbyterian residences	1993 January 6	Planning Department	Pending public meeting
Policy Guidelines for "simple" and "complex" zoning applications	1993 January 6	Director of Local Planning	To develop guidelines
Public meeting to discuss future status of Pearl, Poulette and Ray Street Bridges over CP Rail's track	1993 January 6		Public meeting pending

1.

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 JANUARY 20

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee for its meeting held 1993 January 6th.

B. DIRECTOR OF PROPERTY

Sale of City owned land at 3, 5 and 7 Gerrard Street to Desiderato D'Angelo and Pierina D'Angelo

C. DIRECTOR OF PUBLIC WORKS

(a) Concession Street Business Improvement Area Proposed Budget and Schedule of Payments for 1993

(b) Downtown Hamilton Business Improvement Area Proposed Budget and Schedule of Payments for 1993

D. INFORMATION REPORTS

(a) Local Architectural Conservation Advisory Committee: minutes of 1992 November 23

(b) Commissioner of Planning and Development: Site Plans for Approval

Wednesday, 1993 January 6
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman M. Kiss
Alderman D. Wilson
Alderman B. Charters
Alderman F. D'Amico
Alderman H. Merling
Alderman Wm. McCulloch

Regrets: Mayor Robert M. Morrow

Also Present: Alderman D. Ross
Victor Abraham, Director of Local Planning
Bill Janssen, Planning Department
Joanne Hickey-Evans, Planning Department
Paul Mallard, Planning Department
Roland Karl, Traffic Department
Jacqueline McNeilly, Public Works Department
Len King, Building Commissioner
Dave Powers, Law Department
Peter Lampman, Building Department
John Robinson, Building Department
Eugene Chajka, Roads Department
Bob Harkness, 148 Chesley Street
Donald May, May, Pirie & Associates Limited
Terri Johns, May, Pirie & Associates Limited
Rick Lintack, May, Pirie & Associates Limited
Mary Pocius, International Village B.I.A.
Terri Ewart, Ottawa Street B.I.A.
Charlene Coutts, Acting Secretary

1. **DELEGATIONS**

(a) **Lot Grading Respecting Land Severances Creating One, Two or Three Lots**

The Committee was in receipt of an Information Report dated 1992 December 15 from the Roads Department respecting the above-noted matter.

The Committee was also in receipt of a letter dated 1992 April 21 from Bob Harkness, 148 Chesley Avenue, requesting an opportunity to appear before the Planning and Development Committee to express his concerns regarding lot grading and water drainage.

Mr. Harkness appeared before the Committee to see if anything could be done to prevent the problems associated with lot grading and natural drainage and suggested that changes could be made to the Building Code Act to better police this situation.

Eugene Chajka, Roads Department, advised the Committee that in 1991 February, the Planning and Development Committee approved incorporating grading controls for lots of four or more and that staff were requested to look into providing registered modified agreements for one, two and three lots.

The Committee was further advised that the Building Code Act is under review and will be finalized in May of 1993 and it was felt that some of the Act's changes may help this situation.

After considerable discussion, the Committee approved the following recommendation:

That the Roads and Building Departments be directed to prepare a report on the feasibility of introducing one, two and three lot grading implementation.

The Committee requested that this report be prepared for the 1993 February 3rd meeting of the Planning and Development Committee.

(b) Alternate Plan for the Development of Property at Rice Avenue and Chedmac Drive - May, Pirie and Associates Limited

The Committee was in receipt of a letter dated 1992 December 7 from May, Pirie and Associates Limited requesting an opportunity to appear before the Planning and Development Committee to discuss future plans for the property located at the south-west intersection of Rice Avenue and Chedmac Drive.

Committee members were advised that zoning and site plan approvals had been granted to develop Presbyterian Residences at this location; however, the Committee was advised that the Presbyterian Residences are not proceeding with purchase of these lands for a retirement village.

Mr. Donald May, May, Pirie & Associates Limited, advised the Committee that his firm has been contacted by the Sons of Italy Housing Corporation who are interested in purchasing these lands to develop a 41 townhouse complex.

A site plan of the 41 townhouse units for Rice Avenue as prepared by Rick Lintack, Architect, was then presented and Mr. May asked for the Committee's support for the townhouse portion at this time.

Paul Mallard, Planning Department stated that the concept plan that was initially presented to the Planning and Development Committee was for Presbyterian residences as opposed to townhouse units and suggested that approval on this project be delayed until the neighbourhood plan can be presented to the public for comment and approval.

Alderman Ross expressed his concerns in that the plans for this property are very different from the ones previously presented to the Planning and Development Committee and agreed that the residents in the area should be given an opportunity to comment on this project.

After some discussion the Committee approved the following recommendation:

That the information respecting the site plan for 41 townhouse units for the property at the south west intersection of Rice Avenue and Chedmac Drive be received and the Committee agreed to take no action at this time until the site plans are presented to the public for comment.

2. CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee for its meeting held 1992 December 2 and these minutes were adopted as circulated.

B. DIRECTOR OF PUBLIC WORKS

(i) Ottawa Street Business Improvement Area - Revised Board of Management

The Committee was in receipt of a report dated 1992 December 22 from the Director of Public Works respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That By-law No. 92-056 appointing the Ottawa Street B.I.A. Board of Management be amended to delete the following name:

Lynne Zarubiak Deblynn's Hair Salon

- (b) That in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a member of the Ottawa Street Business Improvement Area:

Gaston LeBay	Woodhouse Furniture
Michael Keir	Surplus Plus Discount Store

- (c) That the City Solicitor be authorized and directed to amend By-law No. 92-056 pursuant to (a) and (b) above.

(ii) Ottawa Street Business Improvement Area-Proposed Budget and Schedule of Payments for 1993

The Committee was in receipt of a report dated 1992 December 16 from the Director of Public Works respecting the above-noted matter. The Secretary advised Committee Members of an amendment to the report in Section (c) of the recommendation whereby the Schedule of Payments for 1993 should be approved and not forwarded to the Finance and Administration Committee for consideration.

After some discussion the Committee approved the following recommendation as amended:

- (a) That the 1993 operating budget of the Ottawa Street B.I.A. attached hereto and marked as Appendix "A" be approved in the amount of eighty-seven thousand dollars (\$87,000.); and,

- (b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220 of the Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and,
- (c) That the following Schedule of Payments for 1993 be approved:

January 01	\$43,500.
June 01	\$21,750.
October 01	\$21,750.

NOTE: 1992 levy arrears will be deducted from the first payments for 1993.

(iii) International Village Business Improvement Area - Revised Board of Management

The Committee was in receipt of a report dated 1992 December 16 from the Director of Public Works respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That By-law No. 92-057 appointing the International Village B.I.A. Board of Management be amended to delete the following names:

Jim Lyons	The Card Shark
Shakiel Baig	Rock 'N Tees
Bob Siromsky	Bad Bob's

- (b) That in accordance with the provisions of subsections 6 and 8 of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a member of the International Village Business Improvement Area:

Paul Kircos	Alexanian Carpets
Lawrence Payne	Payne Music
Gord Thompson	Thompson Jewellery

- (c) That the City Solicitor be authorized and directed to amend By-law No. 92-057 pursuant to (a) and (b) above.

(iv) International Village Business Improvement Area - Proposed Budget and Schedule of Payments for 1993

The Committee was in receipt of a report dated 1992 December 16 from the Director of Public Works respecting the above-noted matter. Similar to the recommendation contained in Item B (ii) the Secretary advised Committee Members that Section (c) of the report should be amended so that the Schedule of Payments for 1993 be approved instead of being forwarded to the Finance and Administration Committee for consideration. After some discussion, the Committee approved the following recommendation as amended:

- (a) That the 1993 operating budget of the International Village B.I.A. attached hereto and marked as Appendix "B" be approved in the amount of sixty-two thousand one hundred and thirteen dollars (\$62,113.); and,
- (b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and,

- (c) That the following Schedule of Payments for 1993 be approved:

January 01	\$31,057.
October 01	\$31,056.

NOTE: 1992 Levy Arrears will be deducted from the two payments for 1993.

- (v) The North End East and West P.R.I.D.E. Anti-Recession Programme - Authorization to sign the Provincial/Municipal Agreement

The Committee was in receipt of a report dated 1992 December 8 from the Director of Public Works respecting the above-noted matter. The Committee approved the following:

That the Mayor and City Clerk be authorized to sign the Provincial/Municipal Agreement for the North End East and West P.R.I.D.E. Anti-Recession Programme.

C. BUILDING COMMISSIONER

Hamilton Emergency Loan Program (H.E.L.P.) - 106 Clinton Street

The Committee was in receipt of a report dated 1992 December 14 from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of three hundred and seven dollars (\$307.) be approved for Susan Henry, 106 Clinton Street, Hamilton. The interest rate will be 8 per cent amortized over two years.

D. DIRECTOR OF LOCAL PLANNING

Application to Remove Part Lot Control from Lots 2-18 inclusive, "Claudette Gardens Phase I" Subdivision

The Committee was in receipt of a report dated 1992 December 4 from the Director of Local Planning respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That the request of 800064 Ontario Inc., to remove part-lot control from Lots 2-18 inclusive, "Claudette Gardens - Phase 1" plan of subdivision, 62M-719, be approved;
- (b) That the by-law attached hereto and marked Appendix "C" to remove part-lot control from Lots 2-18, inclusive, "Claudette Gardens - Phase 1" plan of subdivision, be enacted by Council;
- (c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and
- (d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.

3. DIRECTOR OF LOCAL PLANNING

1993 Departmental User Fees - Planning and Development Department

The Committee was in receipt of a report dated 1992 December 21 from the Commissioner of Planning and Development respecting the above-noted matter. Victor Abraham, Director of Local Planning also circulated a list showing the number of Zoning Applications approved in 1989 and 1990 for the Committee's information.

Some concerns were raised by members of the Committee respecting the User Fees for Zoning Applications and Alderman D'Amico suggested that staff investigate the possibility of charging different user fees for zoning applications based on the amount of time spent by staff on each of the applications. Alderman D'Amico added that the applicants with straight forward zoning applications should be charged less given that less staff time would be spent on that application.

After further discussion the Committee approved the following recommendation:

That the 1993 User Fees for the Planning and Development Department as outlined on the Attached Schedule P & D - Planning (Column 3) marked as Appendix "D", for Existing and New Fees be amended as follows:

	User Fee or Charge	
	1992	1993
(i) 1993 Fees For Approval	(2)	(3)
Fees - Rezoning Application		
- Simple - Phase I	\$830.00	850.00
- Complex - Phase I	\$830.00	1,100.00

(ii) 1993 New Fees for Approval

Fees - Rezoning Application - Phase 2 (Complex Applications)

Since the Planning Department's 1993 User Fees were amended by breaking down the fees charged for rezoning applications to "simple" and "complex" applications, the Committee approved the following:

That the Director of Local Planning be directed to develop a Policy Guideline to determine the difference between "simple" and "complex" applications.

4. BUILDING COMMISSIONER

1993 Departmental User Fees - Building Department

The Committee was in receipt of a report dated 1992 December 22 from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That the 1993 User Fees for the Building Department as outlined on the attached Schedule P & D - Building Department (column 3) marked as Appendix "E" for Existing and New Fees be approved; and,

- (b) That the Schedule marked "P & D Info. - Building Department" which reflects those 1993 Departmental User Fees be received.

Further to the above, discussion ensued on collecting building permit fees, and the Committee approved the following:

That staff be authorized to collect building permit fees for the Go Transit Station on Hunter Street East.

5. TRANSPORT AND ENVIRONMENT COMMITTEE

The Committee was in receipt of a report dated 1992 December 11 from the Secretary of the Transport and Environment Committee requesting that a Public Meeting be held on the Pearl, Poulette and Ray Street Bridges over CP Rail's Track.

The Committee approved the following recommendation:

That the Planning and Development Committee hold a Neighbourhood Public Meeting to discuss and review the options regarding the future status of the Pearl, Poulette and Ray Street Bridges over CP Rail's Track.

ZONING APPLICATIONS/PUBLIC MEETINGS

10:30 O'CLOCK A.M.

6. Amended Zoning Application 92-34, 603815 Ontario Inc. (David Armstrong) owner for changes in Zoning from "AA" (Block "1"), "C" (Block "2") and "C", Modified (Block "3") to "HH" Modified for property located at Nos. 1492 and 1500 Upper James; Mewburn Neighbourhood.

The Committee was in receipt of a report dated 1992 December 21 from the Commissioner of Planning and Development respecting the above-noted matter.

Mr. Paul Mallard, Planning Department, made a presentation with respect to this zoning application and advised that staff are recommending denial of this application as it conflicts with the intent of the Neighbourhood Plan and the Official Plan.

Mr. Mallard added that 49 notices were circulated of which none were received either in favour or in opposition to this zoning application.

Mr. David Armstrong, owner, was in attendance requesting that the Committee support this application.

Although the staff recommendation was to deny the zoning application, the Committee approved the following:

That zoning application 92-34 be approved in principle subject to staff bringing back a recommendation to approve this zoning application including special variances and provisions for site plan approval of the next meeting of the Planning and Development Committee.

7. Zoning Application 92-33, Elia Homes, 810379 Ontario, owner, for a change in zoning from "AA" to "DE-3", for property located at No. 1324 Upper Sherman Avenue; Rushdale Neighbourhood

The Committee was in receipt of a report dated 1992 December 16 from the Commissioner of Planning and Development respecting the above-noted matter.

Mr. Paul Mallard, Planning Department, made a presentation with respect to this zoning application and stated that staff are recommending denial of this zoning application given that it is not in accordance with the Neighbourhood Plan. Committee members were further advised that of the 130 notices circularized, 0 were received in favour, and 25 were received in opposition of this zoning application.

Mr. Fernando Fabiana, Architect and agent for the owner, was in attendance asking the Committee to support the application for the townhouse units. After some discussion, the Committee approved the following recommendation:

That Zoning Application 92-33, Elia Homes 810379 Ontario Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, to permit the development of the subject lands for two (2), 2 storey, 4 unit multiple dwellings and one (1), 2 storey, 6 unit multiple dwelling for the property located at 1324 Upper Sherman Avenue, shown on the attached map marked as Appendix "F", be denied for the following reasons:

- (a) it conflicts with the intent of Official Plan, in that it would be incompatible with existing and proposed development in the immediate area in terms of bulk, scale, gradation and arrangement, which would ultimately contribute to an undesirable housing mix;
- (b) it conflicts with the intent of the approved Rushdale Neighbourhood Plan which designates the property "Attached Housing" (i.e., approx. 9 units). In this regard the proposal represents "Low Density Apartments" (i.e., 14 units or approx. 25 units per acre);
- (c) approval of the application is premature pending consolidation with the adjoining lands to the south (i.e., 1328 Upper Sherman Avenue) in order that these lands can be developed on a comprehensive basis; and,
- (d) approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and change the character of the established residential area.

8. Zoning Application 92-43, Citsalp Industrial Plastics Limited, owner, for a change in zoning from "D" to "H", for property located at No. 331 Hunter Street West; Kirkendall North Neighbourhood

The Committee was in receipt of a report dated 1992 December 21 from the Commissioner of Planning and Development respecting the above-noted matter.

The Committee was also in receipt of a letter of submission dated 1992 December 15 from Light Computer Centre opposing the zoning application.

Mr. Paul Mallard, Planning Department made a presentation with respect to this zoning application and advised Committee Members that of the 273 notices sent, 21 were received in favour, and 6 were received in opposition.

Mr. Robert Thomson, 329 Hunter Street West, appeared before the Committee and advised that he was representing the residents of Hunter Street who are opposed to this zoning application given the lack of parking in the area.

Mr. Mike Scotsaro, 137 Locke Street, also appeared before the Committee and reiterated Mr. Thomson's concerns that parking is already a problem in the area and the addition of a new business would just add to this problem.

Alderman Mary Kiss suggested that this zoning application be tabled in order that the Kirkendall Neighbourhood Association could review and comment on this application for the next meeting, however, there was no seconder for this motion.

After some discussion the Committee approved the following recommendation:

That approval be given to amended Zoning Application 92-43, Citsalp Industrial Plastics Limited, owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District modified to permit limited commercial uses, for property located at 331 Hunter Street West, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the subject lands be rezoned from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District;
- (b) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as set out under Section 13 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - i. That notwithstanding Section 13(1) of By-law No. 6593, only the following uses shall be permitted:
 - 1) general offices;
 - 2) a photographer's or artists studio, but not including a motion picture studio;
 - 3) a barber shop, hairdressing establishment, or beauty parlour;
 - 4) a collecting and distributing station for a laundry or dry cleaner;
 - 5) a variety store;
 - 6) a shoe repair shop;
 - 7) a retail clothing store; and,
 - 8) a business identification sign in accordance with Clause (xv).

- ii. That notwithstanding Section 13(3) of By-law No. 6593, the following minimum yards shall apply:
 - a) front west 1.5 metres (Locke Street), except a minimum of 3.0 metres shall be provided and maintained along the westerly lot line within 6.0 metres of the northerly lot line;
 - b) side north 1.5 metres (Hunter Street);
 - c) side south 1.5 metres; and,
 - d) side east 1.5 metres.
- iii. That notwithstanding Sections 18A, the following will be required:
 - a) a landscaped planting strip of not less than 1.5 metres shall be provided and maintained where the lot adjoins a residential district;
 - b) a landscaped planting strip of not less than 1.5 metres shall be provided and maintained along Hunter Street and Locke Street, except for access driveways; and,
 - c) a visual barrier of not less than 1.2 metres in height and not more than 2.0 metres in height shall be provided and maintained where the lot adjoins a residential district, except no visual barrier shall be situated less than 3.0 metres distance from the front lot line.
- iv. That notwithstanding Section 18A(26) an access driveway shall be located not less than 1.5 metres from the southerly side yard.
 - a) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1299, and that the subject lands on Zoning District Map W-13 be notated S-1299;
 - b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map W-13 for presentation to City Council;
- (c) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (d) That the Kirkendall North Neighbourhood Plan be amended to redesignate the subject lands from "Single and Double Residential" to "Commercial".

Alderman Charters and Alderman Kiss wish to be recorded as opposed to this motion.

9. BUILDING COMMISSIONER AND DIRECTOR OF PUBLIC WORKSCommercial Facade Programme - B.I.A. 's

The Committee was in receipt of an added report dated 1992 December 16 from the Building Commissioner and the Director of Public Works respecting the above-noted matter.

The Committee approved the following recommendation:

- (a) That \$500,000. from the Commercial Improvement Programme be used to Implement a new commercial loan programme for the upgrading of the interior of commercial buildings located in Business Improvement Areas, (B.I.A. 's);
- (b) That the funds be incorporated into the existing Commercial Facade Programme which was previously limited to the exterior of the buildings located in B.I.A. 's;
- (c) That the Building Department be responsible for the Implementation of the Programme as per Appendix "H"; and,
- (d) That the City's Law Department be directed to prepare the necessary Implementation By-law for a Commercial Loan Programme under Section 28 or Section 28 or Section 22 of the Planning Act.

10. OTHER BUSINESS(a) Holding of Planning and Development Committee Public Meetings in Council Chambers

Alderman Wilson suggested that consideration be given to holding the Public Meeting portion of the Planning and Development Committee Meetings in the Council Chambers given that Room 233 is often not large enough to accommodate the number of people in attendance and the sound system in that room is inadequate.

The Director of Local Planning was asked to contact the Committee Secretary when he felt that there would be a lot of citizens in attendance at the Public Meetings based on the number of reply cards received for a particular zoning application and the number of zoning applications to be heard at one meeting so that plans can be made to hold these meetings in the Council Chambers.

(b) City Representation at Ontario Municipal Board Hearing - 20 Adair Avenue South

Mr. Paul Mallard brought to the Committee's attention that an Ontario Municipal Board Hearing will be held on 1993 January 27 respecting 20 Adair Avenue South, and the Committee approved the following recommendation:

That staff be directed to represent the City at an Ontario Municipal Board Hearing respecting a variance and a consent application for 20 Adair Avenue South, Hamilton, on 1993 January 27.

(c) American Planning Association-1993 Conference

Mr. Victor Abraham, Director of Local Planning, brought to the Committee's attention that the American Planning Association's 1993 Conference will be held in Chicago, U.S.A. from 1993 May 1-5 and the Committee approved the following recommendation:

That the Chairperson of the Planning and Development Committee or his delegate be authorized to attend the American Planning Association's 1993 Conference to be held in Chicago, U.S.A. from 1993 May 1-5.

There being no further business, the meeting then adjourned.

TAKEN AS READ APPROVED,

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Charlene J. Coutts
Acting Secretary

APPENDIX "A"

OTTAWA STREET R.I.A. APPROVED 1993 BUDGET

Budget Item	Total \$	\$
Rent		
12 months @ \$470 + 7% GST	6,050	6.95
Realty taxes (yearly)	1,500	1.72
Utilities		
Hydro - office, 12 months @ \$125.00	1,500	1.72
Telephone - 3 lines @ \$1.60, 12 months	1,500	1.72
- long distance calls, 12 months	500	.57
Insurance		
Total coverage includes: Liability, vandalism fire, computers, office equipment and special events	800	.91
Office Supplies		
Paper, pens, letterhead, capital newsletters, postage and sundries	2,000	2.29
Office Equipment		
Photocopier		
Lease	\$2,800.00	
Service Contracts	\$1,100.00	
	<u>3,900</u>	4.48
Typewriters		
2 service contracts	500	.57
Membership Fees		
Ontario Downtowns Inc.	700	.80
Wages		
Manager's Contract	15,300	17.58
(Receiver General, travel etc.)	1,500	1.72
Administrative Assistant Contract	3,000	3.44
(1 day per week x 7 hours per day)		
Advertising	17,600	20.22
Beautification		
Street Cleaner's Contract	6,000	6.89
(4 days x 6 hours x \$7.50 x 30 weeks)		
Street Cleaner supplies - bags, brooms, etc.	750	.86
Garbage Removal	800	.91
Lighting Secondary		
Maintenance & Hydro for lights in trees	5,100	5.86
Other Costs include:		
Bank Charges	250	
Workers Compensation	100	
Yearly audit of books	650	
	1,000	1.14
Contingency Fund		
19.54 percent	17,000	19.54
Total	87,000	100.00

APPENDIX "B"



APPROVED BUDGET
JANUARY 1 - DECEMBER 31, 1993

	GROSS COST	*RECOVERABLE FROM GRANT	NET COST
OPERATION			
RENT	\$ 4 200	\$ 900	\$ 3 300
UTILITIES			
HYDRO-PHONE	1 450	760	690
EQUIPMENT	428	400	28
SUPPLIES	1 500	400	1 100
(INCL. POSTAGE)			
BANK CHARGES	300	175	125
	<u>\$ 7 878</u>	<u>* \$ 2 635</u>	<u>\$ 5 243</u>
WAGES			
EXEC. DIRECTOR	\$20 200	*\$ 3 920	\$16 280
WAGE COSTS	2 048	408	1 640
	<u>\$22 248</u>	<u>*\$ 4 328</u>	<u>\$17 920</u>
LESS TRAINING REVENUE ED		1 000	(1 000)
	<u>\$22 248</u>	<u>*\$ 5 328</u>	<u>\$16 920</u>
INSURANCE	665		665
AUDIT FEES	285		285
ADVERTISING & PROMOTIONS	30 000		30 000
LIGHTING GRANT		1 000	(1 000)
	<u>\$30 950</u>	<u>\$ 1 000</u>	<u>\$29 950</u>
TOTAL	<u>\$60 776</u>	<u>* \$ 7 963</u>	<u>\$52 113</u>
			<u>10 000</u>
			<u>\$62 113</u>

** CHARGEBACK ON 1992 UNCOLLECTED LEVIES

NOTES

- * Grant Revenue shown is based on a current Federal Training Grant in place until April 15, 1993.

We will be applying for a second Federal Grant to run from May 1st, 1993 until December 31, 1993.

The operational and wage dollars recoverable HAVE NOT been included in this proposed budget.

- *** Levies outstanding for 1992 as at October 31, 1992 are

Less Collectable (by History)	\$ 13 528
before December 31, 1992	5 959
BALANCE	<u>\$ 7 659</u>

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Remove
Land within the "Claudette Gardens - Phase 1" Subdivision, Plan 62M-719
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Lots 2 - 18, inclusive, within Registered Plan Number 62M-719, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this day of A.D. 1993.

City Clerk

Mayor

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1993.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

SCHEDULE P & D - PLANNING

SCHEDULE OF USER FEES AND OTHER REVENUES

THE CORPORATION OF THE CITY OF HAMILTON

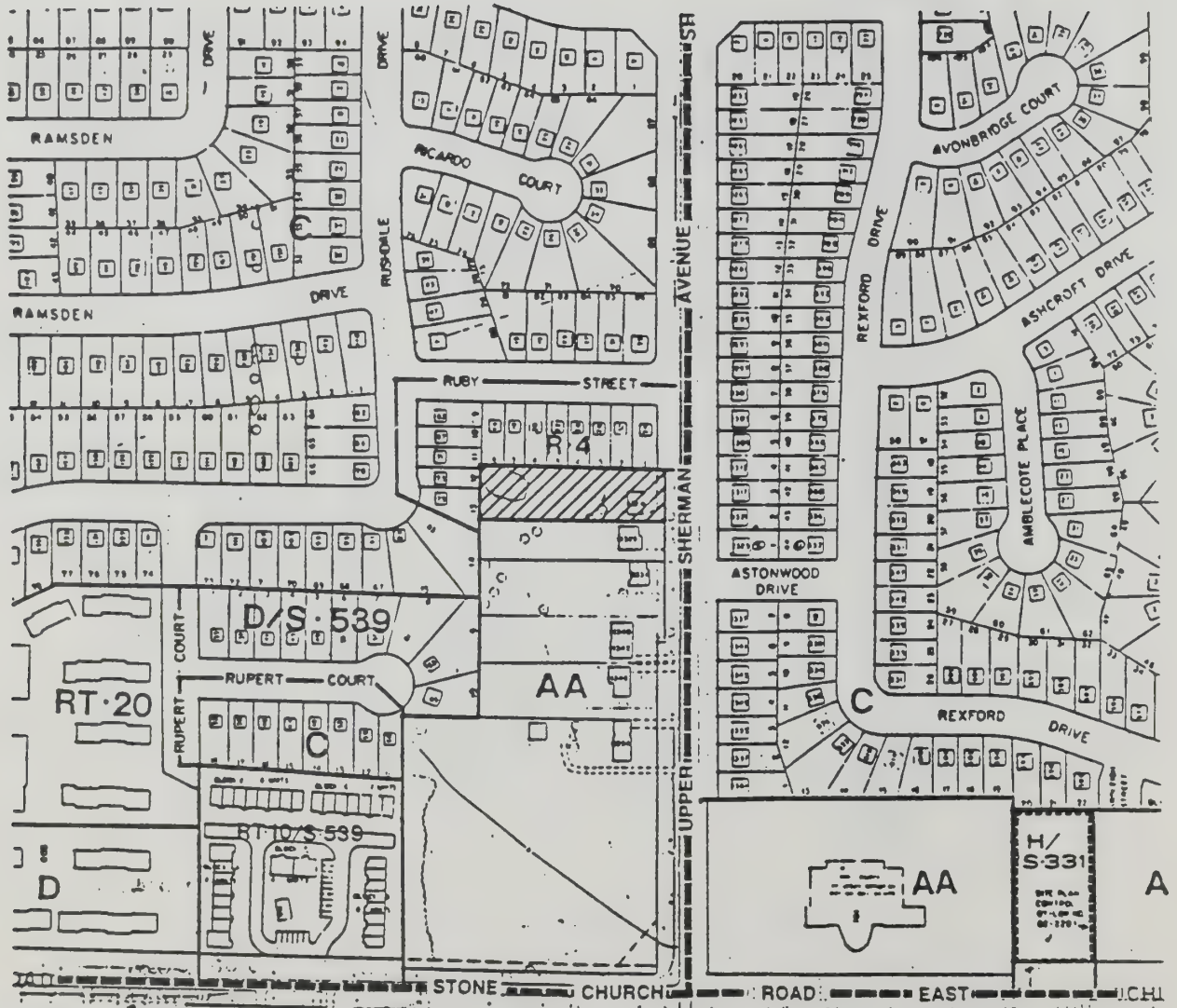
DESCRIPTION OF SERVICE, LICENCE OR PUBLICATION (1)	USER FEE OR CHARGE		% INCREASE OVER 1992 (4)	EXPLANATION AND/OR COMMENTS (5)	1992		1993		INCREASE		
	1992 (2)	1993 (3)			TOTAL BUDGET (6)	TOTAL BUDGET (7)	\$ INCREASE (8)	Due to Fee Inc. (9)			
									Account # (10)		
PLANNING – BY REGION											
1993 FEES FOR APPROVAL :											
Fees – Rezoning Application – Phase 1	830.00	1100.00	33%		\$70,550	\$77,000	\$6,450	\$18,900	CH44038–\$4005		
Official Plan Amendment – Phase 1	830.00	1100.00	33%		\$4,150	\$9,900	\$5,750	\$2,430			
Site Plan Control	390.00	1000.00	156%		\$29,250	\$42,000	\$12,750	\$25,620			
Approved Site Plan Amendment	170.00	400.00	135%		\$7,650	\$11,200	\$3,550	\$6,440			
Official Plan Amendment & Rezoning	1,660.00	2,200.00	33%			Included above.					
								\$53,390			
1993 NEW FEES FOR APPROVAL:											
Official Plan Amendment – Phase 2	-	600.00	100%	New fee.	-	-	-	\$5,400			
Fees – Rezoning Application – Phase 2	-	600.00	100%	New fee.	-	-	-	\$27,000			
Subdivisions – simple application	-	550.00	100%	New fee.	-	-	-	\$1,650	CH44038–\$4005		
– complex application	-	1,000.00	100%	"	-	-	-	\$2,000			
Condominiums	-	550.00	100%	"	-	-	-				
Revisions to plans of subdivision and condominiums	-	350.00	100%	"	-	-	-	\$1,750			
Draft plan of subdivision extensions	-	175.00	100%	"	-	-	-	\$1,050			
Exempt part lot control	-	300.00	100%	"	-	-	-	\$530			
Street name change	-	1,500.00	100%	"	-	-	-	\$900			
Property Report – file searches requested for lawyers with respect to O.P. compliance, Historical Designations, zoning status, etc.	-	40.00	100%	"	-	-	-	-			
								\$480			

THE CORPORATION OF THE CITY OF HAMILTON

SCHEDULE OF USER FEES AND OTHER REVENUES

[illegible]

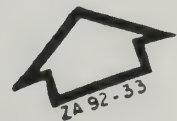
APPENDIX "F"



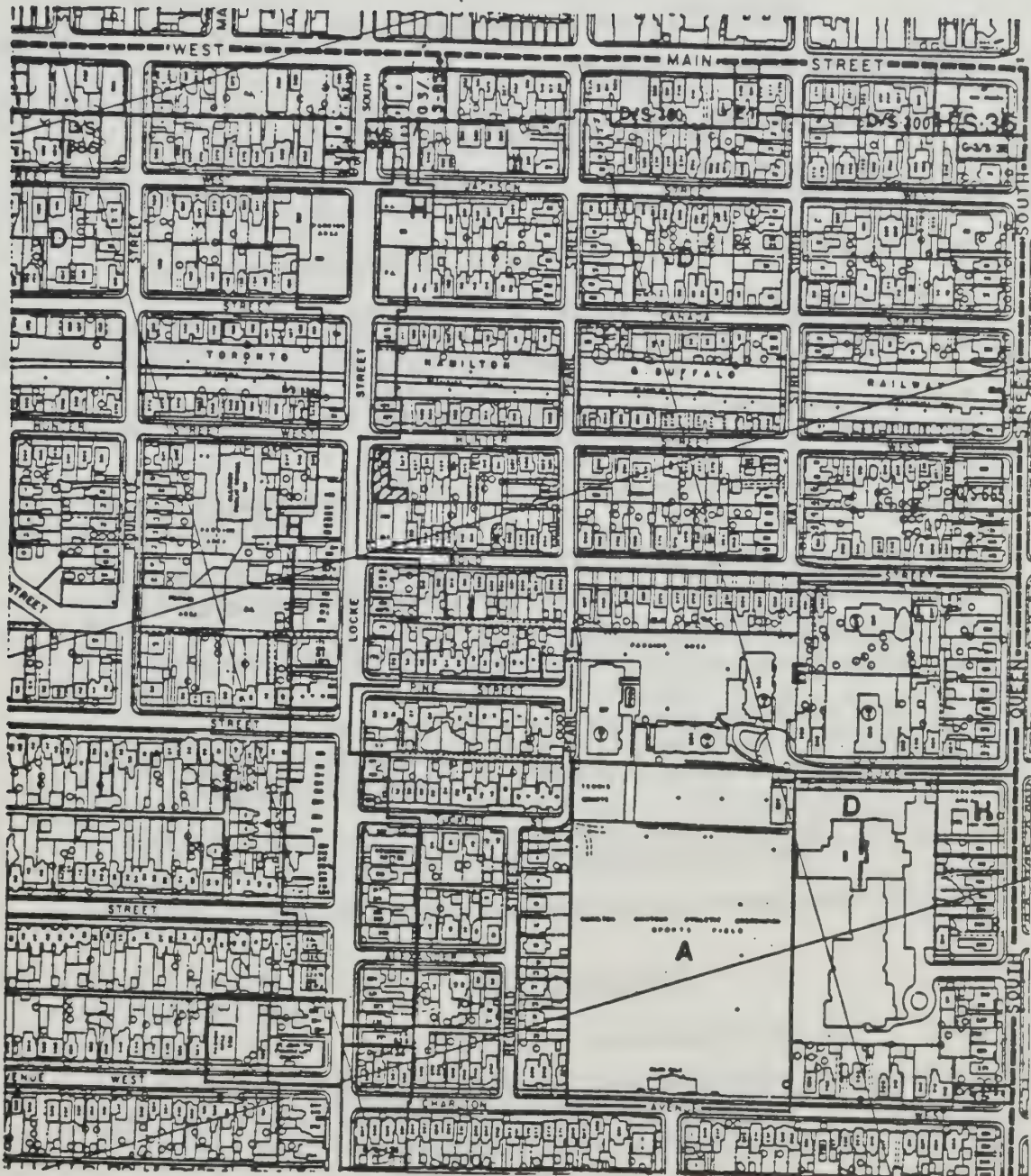
Legend



Site of the Application



APPENDIX "G"



Legend



Site of the Application



ZA-92-43

APPENDIX "H"

COMMERCIAL LOAN PROGRAMME

- Both owners and tenants eligible.
- Maximum loan for interior work \$10,000. per municipal address.
- If owner/occupant maximum loan \$45,000. facade and \$30,000. interior for \$75,000. on three businesses.
- Loan rate one half City's prime amortized over maximum 10 years.
- Loan secured by Promissory Note and Lien registered on Commercial property or if renting a Lien would be place on any real property. The owner must have at least 20% equity in real property before loan will be approved.
- B.I.A. levy and business taxes must be current and if owner occupied the property taxes must be current.
- B.I.A. must be in existence for at least one year and levy must average \$100. per business.
- B.I.A. will prepare a recommendation on loan which will be sent to the Planning and Development Committee along with Department's recommendation.
- All money collected on repayment will be placed in recyclable account in order to continue the Programme.
- If business owner has no real property a maximum loan of \$2,000. will be provided as it will only be secured by Promissory Note. Admortization period will be maximum of 3 years. (At 3 years at 3% monthly payment, \$58.16)
- Department charge 1 1/2 % or \$200. whichever is more as an administration fee. This will become an eligible expense on the application.
- The funds will be made available based on the number of businesses located in a B.I.A.

ELIGIBLE ITEMS

- Interior fixtures including partitions.
- Interior decorating including lighting, painting, wallpaper, etc.
- "Built in" showcases, freezers, special plumbing, etc.
- Interior signage.
- Each application will be based on own merits but those items deemed chattels will not be eligible, (tables, desks, chairs, cash registers, etc.,).

CITY OF HAMILTON

RECEIVED B

JAN 12 1993

- RECOMMENDATION -

CITY CLERKS

DATE: 1993 January 12

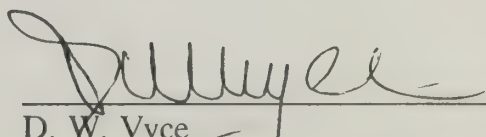
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: Sale of City Owned Land at
3, 5 and 7 Gerrard Street to
Desiderato D'Angelo and Pierina D'Angelo

RECOMMENDATION:

- a) That an Offer to Purchase, duly executed by Desiderato D'Angelo and Pierina D'Angelo on January 8, 1993, and scheduled to close on or before March 19, 1993, be approved and completed for the purchase of a vacant parcel of City owned land being composed of part of Lots 54, 55, 56 and 57, Plan 471, said parcel of land having a frontage of 17.37 metres (57.0 feet) more or less, along the northerly limit of Gerrard Street, by a depth of 28.65 metres (94.0 feet) more or less, and containing an area of 497.75 square metres (5,358 square feet) more or less, municipally known as 3, 5 and 7 Gerrard Street in the City of Hamilton, be approved and completed and the funds derived from this sale of \$60,000 be credited to Account No. CF 4402 308750001 (Land Sales - Enclave Clearance Program).
- b) That a deposit cheque in the amount of \$6,000 be held by the Treasurer pending Council approval.
- c) That this transaction include special building covenants, agreements and restrictions, which as set out in clauses 6.1, 6.2, 6.3, 6.4, 6.5 and 6.6 on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.
- d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.


D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

The subject properties have been acquired by the City of Hamilton in conjunction with the Alpha West Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the North/East part of the City so the lands can be assembled and sold for industrial use as is stipulated by the approved zoning. Although this assembly has not yet been completed, Mr. and Mrs. D'Angelo (D'Angelo's Autobody) have requested the opportunity to purchase the subject properties as at this time they are ready to expand with the construction of an approximately 4,000 square foot new building.

KN/klb
Attach.

c.c. Robert M. Morrow, Mayor, Mayor's Office

Alderman D. Drury, Alderman, Ward 3, Aldermen's Office

Alderman Bernie Morelli, Alderman, Ward 3, Aldermen's Office

P. Noé Johnson, City Solicitor, Law Department
Attention: D. Powers

Allan C. Ross, Treasurer, Treasury Department

R. Douglas, Manager of Field Surveys, Roads Department

OFFER TO PURCHASE

I/We DESIDERATO D'ANGELO
PIERINA D'ANGELO

of the City of Hamilton,

in the Regional Municipality of Hamilton-Wentworth,

hereinafter called the Purchaser,

hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,

hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lots 54, 55, 56 and 57, Plan 471, said parcel of vacant land having a frontage of 17.37 metres (57.0 feet) more or less, along the northerly limit of Gerrard Street, by a depth of 28.65 metres (94.0 feet) more or less, and containing an area of 497.75 square metres (5,358 square feet) more or less, municipally known as 3, 5 and 7 Gerrard Street as shown in heavy outline on Schedule "B".

at the price of SIXTY THOUSAND----- DOLLARS (\$60,000.00)
of lawful money of Canada, payable as follows:

- (a) A deposit of SIX THOUSAND----- DOLLARS (\$6,000.00)
by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely FIFTY-FOUR THOUSAND----- DOLLARS (\$54,000.00)
with interest as hereinafter provided, and subject to adjustments, by certified cheque
on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:

- 1. This Offer shall be irrevocable by the Purchaser and may be accepted by the Vendor up to but not after the 2nd day of February 1993, by a letter mailed or delivered to the Purchaser c/o Tom D'Angelo, P.O. Box 907, 1 King Street West, Hamilton, Ontario, L8N 3P6.
- 2. In the event that this Offer is not accepted, this Offer and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs.
- 3. In the event of and upon the acceptance of this Offer, this Offer and the letter of acceptance shall be a binding contract of purchase and sale and shall be completed in accordance with the terms hereof.
- 4. The title is good and free from all encumbrance, except as to any registered restrictions or covenants.
- 5. The Purchaser is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Vendor.
- 6. The Purchaser is to be allowed thirty days from the date of acceptance of such Offer to examine the title at his own expense. If within that time any valid objection to title is made in writing to the Vendor, or its Solicitor, which the Vendor shall be unable or unwilling to remove and which the Purchaser will not waive, the contract arising out of the acceptance of this Offer shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and all monies shall be returned by the Vendor without interest and it shall not be liable for any damages or costs. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the title of the Vendor to the real property.
- 6.1 The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the transfer to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of 4,000 square feet, upon the hereinbefore described land by not later than January 19, 1994.

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than September 19, 1994.

The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

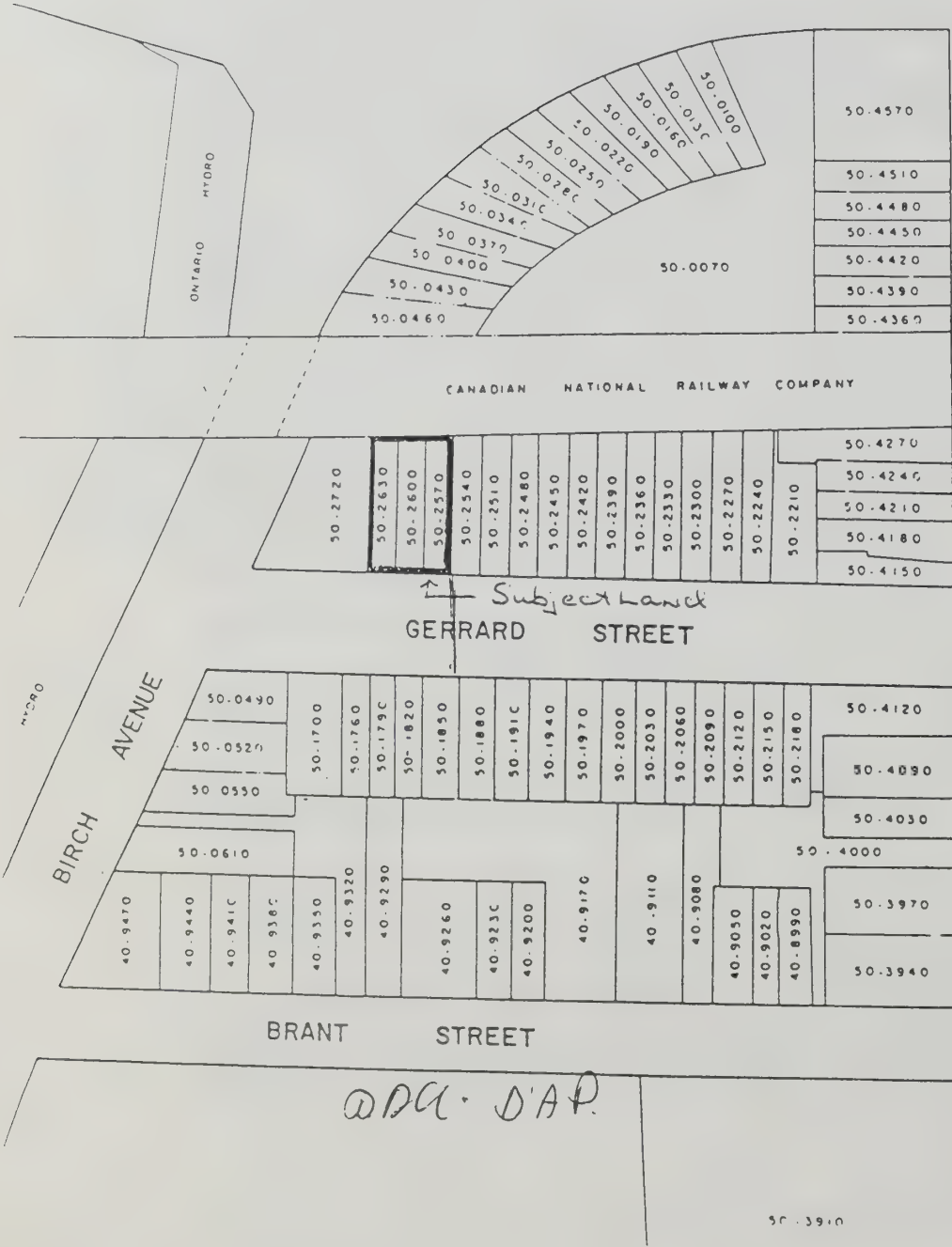
3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.
4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.

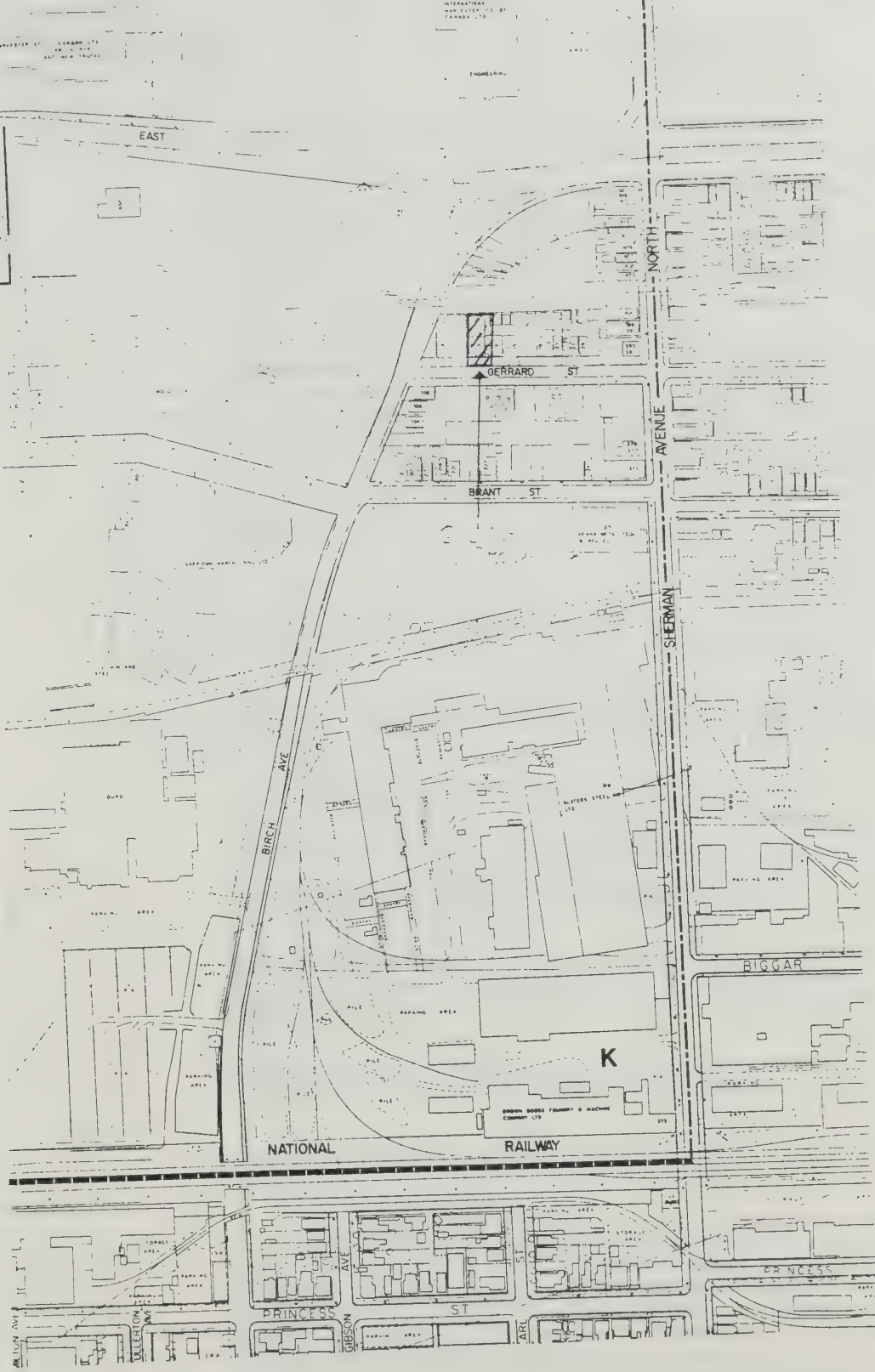
6. That the Purchasers hereby acknowledge that the City plans to close and sell a portion of Gerrard Street immediately east of the subject lands and the Purchasers hereby agree not to object in any way to said closure and sale. Therefore, the Purchasers are hereby estopped from exercising the rights which would ordinarily accrue to them as adjacent owners to a road closure by virtue of and as part consideration of the transaction herein.

- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.
- 6.6 Notwithstanding paragraphs 6.3 (1) (2) (3) hereof, should the Transferee decide to construct an industrial condominium, in accordance with municipal, regional, and provincial requirements, the Transferee shall be entitled to enter into Agreements of Purchase and Sale in respect of the units to be contained within such condominium and shall further be entitled to transfer such condominium units to such Purchasers without such sales or transfers being deemed an act or acts of default hereunder.
7. This transaction shall be closed on or before the 19th day of March 1993.
8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

SCHEDULE "B"

June 2048





		81
69	70	71
95	48	126

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON
INDUSTRIAL SECTOR
'B' AND KEITH
ZONING

----- Neighbourhood Boundary
—— Zoning Boundary.

0 100m
SCALE 50m



Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton Wentworth

PLANNING
UNIT NO
6202
6212

JUNE 1988

PAGE NO
70

OFFER TO PURCHASE

I/We DESIDERATO D'ANGELO
PIERINA D'ANGELO

of the City of Hamilton,

in the Regional Municipality of Hamilton-Wentworth,

hereinafter called the Purchaser,

hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,

hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lots 54, 55, 56 and 57, Plan 471, said parcel of vacant land having a frontage of 17.37 metres (57.0 feet) more or less, along the northerly limit of Gerrard Street, by a depth of 28.65 metres (94.0 feet) more or less, and containing an area of 497.75 square metres (5,358 square feet) more or less, municipally known as 3, 5 and 7 Gerrard Street as shown in heavy outline on Schedule "B".

at the price of SIXTY THOUSAND----- DOLLARS (\$60,000.00)
of lawful money of Canada, payable as follows:

- (a) A deposit of SIX THOUSAND----- DOLLARS (\$6,000.00)
by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely FIFTY-FOUR THOUSAND----- DOLLARS (\$54,000.00)
with interest as hereinafter provided, and subject to adjustments, by certified cheque
on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:

- 1. This Offer shall be irrevocable by the Purchaser and may be accepted by the Vendor up to but not after the 2nd day of February 1993, by a letter mailed or delivered to the Purchaser c/o Tom D'Angelo, P.O. Box 907, 1 King Street West, Hamilton, Ontario, L8N 3P6.
- 2. In the event that this Offer is not accepted, this Offer and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs.
- 3. In the event of and upon the acceptance of this Offer, this Offer and the letter of acceptance shall be a binding contract of purchase and sale and shall be completed in accordance with the terms hereof.
- 4. The title is good and free from all encumbrance, except as to any registered restrictions or covenants.
- 5. The Purchaser is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Vendor.
- 6. The Purchaser is to be allowed thirty days from the date of acceptance of such Offer to examine the title at his own expense. If within that time any valid objection to title is made in writing to the Vendor, or its Solicitor, which the Vendor shall be unable or unwilling to remove and which the Purchaser will not waive, the contract arising out of the acceptance of this Offer shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and all monies shall be returned by the Vendor without interest and it shall not be liable for any damages or costs. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the title of the Vendor to the real property.
- 6.1 The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the transfer to him:

ORD D'AP.

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of 4,000 square feet, upon the hereinbefore described land by not later than January 19, 1994.

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than September 19, 1994.

The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.
4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.
6. That the Purchasers hereby acknowledge that the City plans to close and sell a portion of Gerrard Street immediately east of the subject lands and the Purchasers hereby agree not to object in any way to said closure and sale. Therefore, the Purchasers are hereby estopped from exercising the rights which would ordinarily accrue to them as adjacent owners to a road closure by virtue of and as part consideration of the transaction herein.

DDC D'AP

- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.
- 6.6 Notwithstanding paragraphs 6.3 (1) (2) (3) hereof, should the Transferee decide to construct an industrial condominium, in accordance with municipal, regional, and provincial requirements, the Transferee shall be entitled to enter into Agreements of Purchase and Sale in respect of the units to be contained within such condominium and shall further be entitled to transfer such condominium units to such Purchasers without such sales or transfers being deemed an act or acts of default hereunder.
7. This transaction shall be closed on or before the 19th day of March 1993.
8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

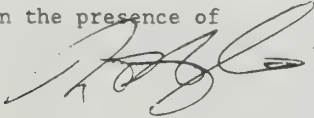
DDA D'AP

Time shall be of the essence of this Agreement, which shall enure to the benefit of and be binding upon the Purchaser, his heirs, executors, administrators, successors and assigns, and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

Dated at HAMILTON this 8TH day of JANUARY 1993.


SIGNED, SEALED AND DELIVERED

in the presence of



) Desiderato D'Angelo 

) DESIDERATO D'ANGELO

) Pierina D'Angelo 

) PIERINA D'ANGELO

) _____ (Seal)

Name of Purchaser's Solicitor Tom D'Angelo

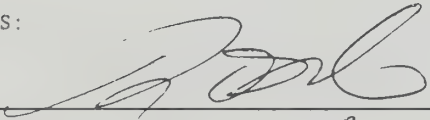
Address of Purchaser's Solicitor P.O. Box 907, 1 King St. West, Hamilton, Ontario, L8V 5B8

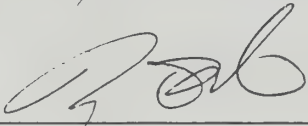
SCHEDULE "A"

"The Purchaser shall have the right, at his expense, to satisfy himself that he can construct a building having a minimum building area of 4,000 square feet on the subject property under the existing zoning. If the results of the proposed construction inquiries are not satisfactory to the Purchaser, the Purchaser shall have until March 4, 1993 by written notice to the Vendor to terminate the Offer, whereupon the deposit shall be returned to the Purchaser without interest; failing delivery of written notice, the condition shall be deemed to have been waived."


Dated at HAMILTON this 8th day of JANUARY 1993

WITNESS:

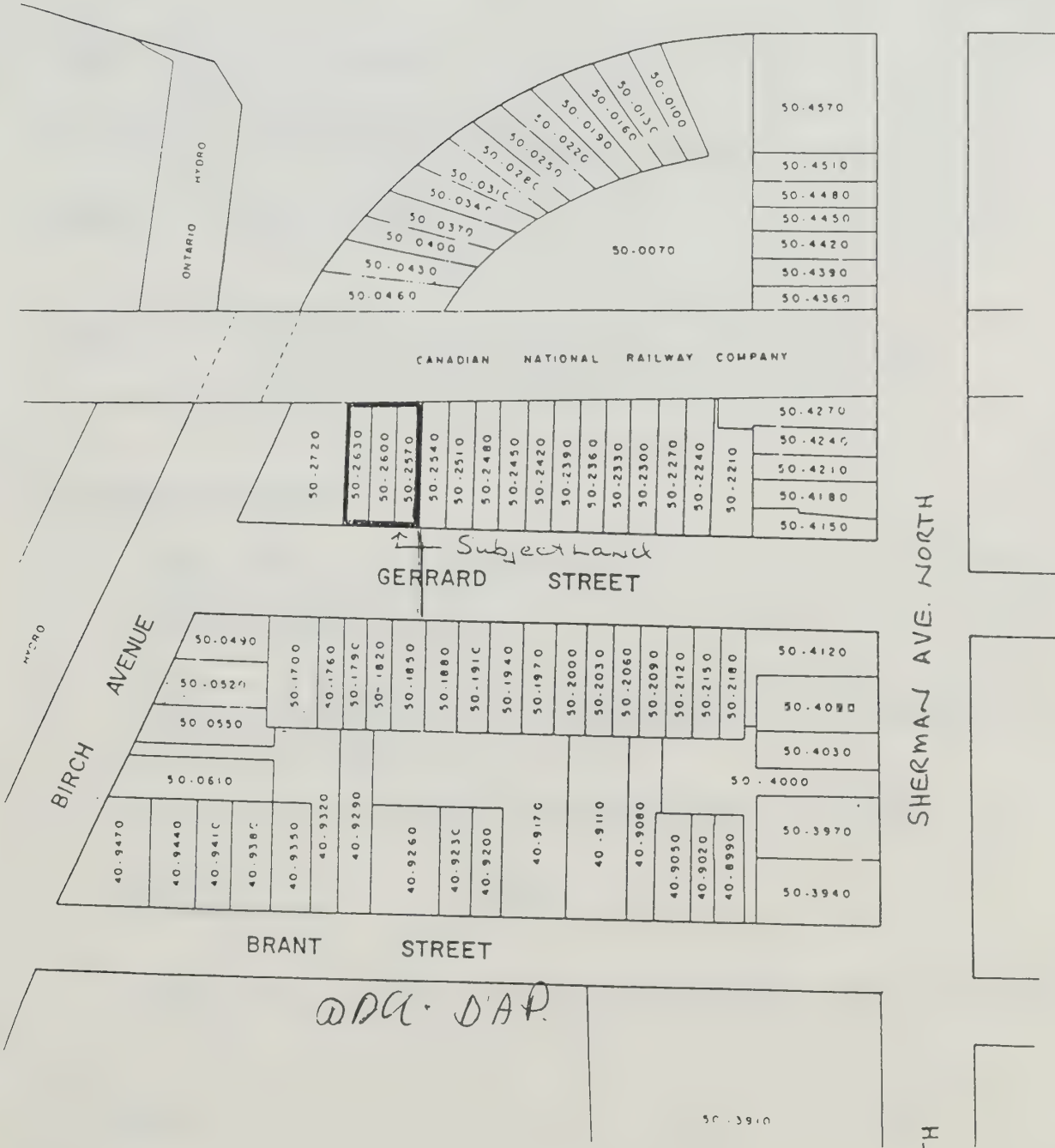





DESIDERATO D'ANGELO


PIERINA D'ANGELO

Cur 2048



Ca)
RECEIVED

JAN 12 1993

CITY OF HAMILTON
- RECOMMENDATION -

CITY CLERKS

DATE: 1993 January 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

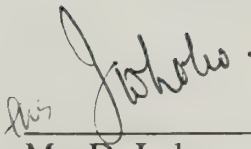
SUBJECT: Concession Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1993.

RECOMMENDATION:

- a) That the 1993 operating budget of the Concession Street B.I.A. (attached as Schedule 'A') be approved in the amount of eight thousand, four hundred and twenty five dollars (\$8,425.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1993 be approved:

May 01	\$4,212.
October 01	\$4,213.

NOTE: 1992 Levy Arrears will be deducted from the two payments for 1993.



Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of eight thousand, four hundred and twenty-five dollars (\$8,425.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this eight thousand, four hundred and twenty-five dollar (\$8,425.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1992 December 08, the Concession Street B.I.A. adopted a budget of eight thousand, four hundred and twenty-five dollars (\$8,425.).

HM:hm

c.c. Ms. P. Noé Johnson, City Solicitor
Law Department

Mr. A. Ross, City Treasurer
Treasury Department
Att: Mr. T. Bradbury, Asst. Supervisory Business Tax

Concession Street Business Improvement AreaProposed Budget for 1993ExpensesAdvertising and Promotion

	<u>1992</u>	<u>1993</u>
Final Installment Christmas Lights	2,340.	2,800.
Service Christmas Decorations	3,400.	3,400.
Hydro Christmas Decorations	540.	600.
Advertising and Promotion		425.
	<u>6,280.</u>	<u>7,225.</u>

Administration

Association Dues	300.	300.
Insurance	300.	500.
Accounting	270.	300.
Bank Charges	125.	100.
	<u>995.</u>	<u>1,200.</u>

Office

Telephone	200.	Nil
Newsletter	500.	500.
	<u>700.</u>	<u>500.</u>

Other

Miscellaneous	450.	500.
Total Budget	<u>8,425.</u>	<u>9,425.</u>

Income

1993 Levies	8,425.
Grant - Christmas Decorations	1,000.
	<u>9,425.</u>

Note: Bank Balance November 1, 1992 4,185.73
 Expenses to be paid in 1992 3,840.00
 Surplus 345.73

RECEIVED

JAN 12 1993

CITY OF HAMILTON
- RECOMMENDATION -

CITY CLERKS

DATE: 1993 January 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

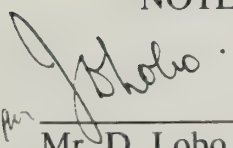
SUBJECT: Downtown Hamilton Business Improvement Area
(B.I.A.) Proposed Budget and Schedule of Payments for
1993.

RECOMMENDATION:

- a) That the 1993 operating budget of the Downtown Hamilton B.I.A. (attached as Schedule 'A') be approved in the amount of one hundred and fifty-five thousand dollars (\$155,000.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1993 be approved:

January 01	\$12,916.74	July 01	\$12,916.66
February 01	\$12,916.66	August 01	\$12,916.66
March 01	\$12,916.66	September 01	\$12,916.66
April 01	\$12,916.66	October 01	\$12,916.66
May 01	\$12,916.66	November 01	\$12,916.66
June 01	\$12,916.66	December 01	\$12,916.66

NOTE: 1992 Levy Arrears will be deducted from the payments for 1993.



Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of one hundred and fifty-five thousand dollars (\$155,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this one hundred and fifty-five thousand dollar (\$155,000.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1992 December 10, the Downtown Hamilton B.I.A. adopted a budget of one hundred and fifty-five thousand dollars (\$155,000.).

HM:hm

c.c. Ms. P. Noé Johnson, City Solicitor
Law Department

Mr. A. Ross, City Treasurer
Treasury Department

Att: Mr. T. Bradbury, Asst. Supervisory Business Tax

APPROVED

~~XXXXXXXXXX~~
Proposed Budget for 1993

Revenue:

Levy	\$ 155,000	100%
------	------------	------

Expenses :

Holdback / arrears		
Reserves / adjustments	\$ 49099	31.7

Fees / administration	\$ 52654	34.0
-----------------------	----------	------

Project/ media/ Special Programs	\$ 53247	34.3
	-----	-----
	\$ 155000	100 %

Proposed Projects for 1993

Continued updating of Databas
Economic Development Initiatives
Flower Planter Maintenance

Annual Bed Race
Annual Tray Race
Fit Day
Music In The
City/ Aquafest
Christmas

RECEIVED Da

DEC 23 1992

CITY OF HAMILTON

- INFORMATION -

CITY CLERKS

DATE: 1992 December 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Coutts, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: **LOCAL ARCHITECTURAL CONSERVATION
ADVISORY COMMITTEE MINUTES
- 1992 NOVEMBER 23**

BACKGROUND:

Attached for the information of the Planning and Development Committee are the minutes of the Local Architectural Conservation Advisory Committee for its meeting held 1992 November 23.

Attach.

C. Coutts/jc

Monday, 1992 November 23
12:00 o'clock noon
Room 219, City Hall

The Local Architectural Conservation Advisory Committee met.

There were present: Diane Dent, Chairperson
Reg Wheeler, Vice-Chairperson
Alderman Frank D'Amico
Alderman William McCulloch
Brian Henley
Jane Rigby
Rob Brough
John Mokrycke

Regrets: Robert Rankin
Jeff Martin

Also present: Nina Chapple, Planning Department
Ann Gillespie, Planning Department
Joy Dubbeld, Planning Department
John Gamble, Building Department
Vladimir Matus, Planning Department
Chris Firth-Eagland, Public Works Department
Bob Chrystian, Public Works Department
Madge Comba, New Owner of the Custom House
Janet Black, Chairperson, Education Sub-Committee
Charlene Coutts, Secretary

1. CUSTOM HOUSE

Diane Dent, Chairperson, welcomed Madge Comba, the new owner of the Custom House located at 51 Stuart Street, Hamilton.

Madge Comba then took the opportunity to introduce herself and to advise Committee Members that the interior of the building has been cleaned up for use as a high-tech computer store including computer drafting. Ms. Comba added that she has met with representatives from the Planning Department, the Ontario Heritage Foundation and the architect, Alan Seymour, who explained how the building has been restored. Ms. Comba stated that the only problem she has encountered after purchasing the building is the lack of street lighting in the area.

Jane Rigby advised that the Pride HINT Committee for the Central and Beasley Neighbourhoods will be meeting this evening and suggested that Ms. Comba might attend as this would give her an opportunity to raise her concerns with respect to street lighting.

After further discussion, the Committee approved the following recommendation:

That the Public Works Department be requested to investigate the possibility of installing pedestrian street lighting fixtures on Stuart Street such as those on James Street North.

Nina Chapple then circulated photographs of the Custom House before it was restored and Ms. Comba expressed an interest in receiving copies of these photographs showing the various stages of the Custom House restoration.

1. PRESENTATION

City Parks Projects

Bob Chrystian, Manager, Parks Division, and Chris Firth-Eagland, Superintendent, Parks Development and Maintenance Section, were in attendance to bring the Committee up-to-date on the following City Park Projects:

- a) Gore Park
- b) Gage Park
- c) T. B. McQuesten Cultural Gardens
- d) Waterfront

a) Gore Park

Bob Chrystian advised Committee Members that the Head-of-the-Lake Historical Society requested the Parks and Recreation Committee to advance a fundraising strategy for the placement of a replica fountain in Gore Park in time for Canada's 150th Birthday in 1996. Committee Members were advised that the Parks and Recreation Committee approved this request and asked staff to investigate possible locations for the fountain. Mr. Chrystian added that a Gore Park Review Team, of which Nina Chapple is a member, has been established to work with the Parks Staff Advisory Committee on this matter and three potential sites have been determined for the placement of this fountain.

These three sites include the original fountain site; where the present fountain is located in Gore Park; and, at the Hughson Street intersection which may be closed to vehicular traffic. Mr. Chrystian added that the Gore Park Review Team will evaluate all three sites and once all the information is collected, will meet with the appropriate Committees, including LACAC, early in 1993 so that a report can be prepared for presentation to the Parks and Recreation Committee.

Committee Members were further advised that the Head-of-the-Lake Historical Society will start fundraising for this project during 1993 to 1994 with the fountain construction commencing in 1995 for a possible unveiling of the replica fountain in 1996.

Diane Dent wished to thank Mr. Chrystian for his presentation on this important issue and stated that the Education Sub-Committee is more than willing to assist the Gore Park Review Team with this project.

In closing, Mr. Chrystian added that copies of the Head-of-the-Lake Historical Society's proposal for the Gore Park Fountain are available and agreed to forward a copy to the Secretary for distribution to all Committee Members.

b) Gage Park

Committee Members were advised that the Parks Division is proposing a new major entrance point to Gage Park at the intersection of Main Street and Gage Avenue. An application for funding for the reconstruction on this entranceway has been submitted to the Dunnington Grubb Foundation which has been established to provide monies for projects of an architectural/landscaping nature.

Two proposed designs that have been prepared for the major entranceway were then presented. Diane Dent asked if the drawings could be referred to the Research Sub-

Committee for review and comment and Bob Chrystian welcomed the opportunity to receive additional input with respect to this matter.

c) T. B. McQuesten Multicultural Gardens

Chris Firth-Eagland then brought the Committee up-to-date on the T.B. McQuesten Multicultural Gardens (a multicultural park consisting of a collection of multicultural gardens which represent Hamilton's cultural mosaic) to be constructed at the corner of Upper Wentworth Street and Limeridge Road.

Committee Members were advised that the City has approved \$7,500,000. over the next 9 years for this project and it is hoped that an additional \$8,000,000. will be raised through fundraising programmes by the various cultural groups participating in this project.

Committee Members were further advised that a Steering Committee consisting of representatives from the various cultural groups and staff has been established to prepare a concept plan with indoor garden space, parking lot, cultural gardens and a cultural centre for this project.

Reg Wheeler, Vice-Chairperson, suggested to Mr. Firth-Eagland that the City start a nursery school at this location in conjunction with programmes at the local Community College.

Chris Firth-Eagland invited all Committee Members to get involved in this project and welcomed them to attend any future meetings of the Steering Committee.

d) Waterfront Development

Committee Members were then given a status report of the development of the Waterfront including the development of Pier 4 Park, the remediation of Harbourfront Park and the development of the storm water overflow storage tank along the Waterfront.

Diane Dent, on behalf of the Committee, thanked Bob Chrystian and Chris Firth-Eagland for bringing the Committee up-to-date on a number of the projects currently being undertaken by the City's Parks Division. Diane Dent added that proposed changes to the Ontario Heritage Act include designating open space such as parks, views and vistas. Given these proposed changes to the Act, and that the designation of the same may soon fall under the jurisdiction of LACAC, the Committee felt it necessary to be brought up-to-date on a number of parks-related projects.

Bob Chrystian, in closing, advised Committee Members that the Parks Division is in the process of preparing a City Parks Master Plan and asked the Committee to provide him with the necessary information on any inventory work that has been done to date on and parks that LACAC may have an interest in, based on their scenic and/or historical value. The Committee agreed to forward this information to his attention.

3. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Local Architectural Conservation Advisory Committee for its meeting held 1992 October 19 and these minutes were adopted as circulated.

4. CHRIST'S CHURCH CATHEDRAL - REPLACEMENT OF FRONT STEPS

Diane Dent brought to the Committee's attention that she has been contacted by an individual concerned about the quality of the replacement front steps at Christ's Church Cathedral and advised Committee Members that the steps which have recently been replaced are not of the same quality approved by this Committee when the Church applied for a Heritage Permit in 1987 which was approved by City Council.

Nina Chapple advised Committee Members that Christ's Church Cathedral received \$700,000. from the Ontario Heritage Foundation for the restoration of the church including the rebuilding of the front steps.

Concerns were raised on the new steps and the Committee agreed to refer this matter to the Research Sub-Committee to review and prepare a full report for the next meeting.

Brian Henley expressed his concerns and would like to see the stairs be replaced.

Rob Brough advised that the Research Sub-Committee will investigate this matter further to see how the existing front steps compare to those actually approved by the Committee and will report back on the Sub-Committee's findings.

5. DIRECTOR OF LOCAL PLANNING

Dare Foods Factory - Update on Demolition

The Committee was in receipt of an Information Report dated 1992 November 12 from the Director of Local Planning respecting the proposed demolition of the Dare building (formerly The McPherson Shoe Factory) located at 79 John Street South/84 Jackson Street East.

Committee Members were advised by Nina Chapple, Planning Department, that she had recently made a site visit and reported that the owners wished to retain the property until the resale value rises, but in the interim have been approached by the Hamilton Car Parks Ltd. who agreed to pay the costs of demolition, taxes, etc. if they enter into a twenty-year lease to use this location for a parking lot after which time the owner can sell the property.

Rob Brough reminded Committee Members that LACAC, a number of years ago, requested the Planning Department to initiate a Parking Study; however, this Study has been put on hold. After further discussion, the Committee approved the following:

That the Planning Department be requested to reconsider a Study on Parking Lots in the downtown area as proposed by LACAC a number of years ago.

Given that this building is in the downtown area and within a very close proximity to the new proposed GO Train Station, the Committee approved the following recommendation:

That the Planning Department be requested to include in the Terms of Reference for the Go Train Station Consultant's Study, a review of the increasing loss of heritage buildings for parking lots in the downtown area given the pressures of this development for additional parking in the downtown area.

**The Local Architectural Conservation
Advisory Committee**

1992 November 23

John Mokrycke suggested that the Urban Design Committee investigate the entire issue of Parking Lots in the downtown area and the Committee approved the following recommendation:

That the Urban Design Committee be requested to review the issue of the increased number of parking lots in the downtown area and investigate ways to better regulate the construction of parking lots.

The Committee agreed to invite a representative from the Property Department to attend a future meeting to discuss how the existing tax structure (Property, Business and Income Tax) encourages or discourages the demolition of older buildings.

Staff were also asked to prepare a report on the effect of taxation on the retention and demolition of older buildings.

Diane Dent further suggested that staff prepare a list of historic buildings in Hamilton that have been adapted for reuse (i.e. Custom House).

RESEARCH SUB-COMMITTEE

6. Health Department Building, 1 Hunter Street East/74 Hughson Street South

The Committee was in receipt of a report dated 1992 November 12 from the Chairperson of the Research Sub-Committee respecting the proposed demolition for a parking structure of the Health Department building located at 1 Hunter Street East/74 Hughson Street South. The Committee approved the following recommendations:

- a) That based on its architectural significance and listed status, the City not allow the demolition of the municipally owned Health Department Building; and,
- b) That this recommendation and accompanying background information be forwarded to the Urban Design Committee and CAPIC.

Rob Brough agreed to contact the Chairpersons of the Urban Design Committee and CAPIC asking for a municipal review process when Parking Lots are planned.

A copy of a letter from Mr. Peter Hill, Chairperson of the Urban Design Committee, dated 1992 November 3 respecting this matter was received.

7. ADDITIONS TO INVENTORY - CENTRAL AND BEASLEY NEIGHBOURHOODS

The Committee was in receipt of a report dated 1992 September 4 from the Chairperson of the Research Sub-Committee respecting the above-noted matter. The Committee approved the following recommendation:

That the following buildings in the Central Neighbourhood be added to the City's Inventory of Buildings of Architectural and/or Historical Interest:

Caroline Street North: 179; 181; 183; 207; 209; 211; 213.
Railway Street: 13; 15; 17; 19; 27; 29; 32; 34.

**The Local Architectural Conservation
Advisory Committee**

1992 November 23

Committee Members were advised that the additions to the Inventory in the Central Neighbourhood as listed above, are a result of the survey work done by the 1992 LACAC Summer Students.

SUB-COMMITTEE REPORTS

8. a) Research Sub-Committee

The Committee was in receipt of the minutes of the Research Sub-Committee for its meetings held 1992 October 7 and October 24. Some discussion ensued on the 1992 October 7 minutes as they relate to the assembly of a proactive package which could be sent to owners of vacant buildings presenting alternatives to demolition such as adaptive re-use and sources of funding for rehabilitation and the Committee stated that all attempts will be made to have this package prepared by 1993 August.

The Research Sub-Committee minutes were then received as circulated.

b) Joint Plaquing Sub-Committee

The Committee was in receipt of the minutes of the Joint Plaquing Sub-Committee for its meeting held 1992 September 10 and these minutes were received as circulated.

The Committee was also in receipt of a memorandum dated 1992 November 20 from the Acting Secretary of the Hamilton Historical Board advising Committee Members that the Designated Property Plaques for 913 Beach Boulevard and 255 - 265 James Street North have been approved in order of priority (subject to available funding); however, LACAC's request for a Designated Property Plaque for the MacNab/Charles Heritage Conservation District was reviewed and it was suggested that a commemorative plaque would be more appropriate for a Heritage Conservation District. This memorandum was received as circulated.

9. UPDATES

a) Go Transit Centre (former T. H. & B. Station)

Nina Chapple advised Committee Members that representatives from Trevor P. Garwood-Jones Architects, will be bringing the final recommendations on this project to the Research Sub-Committee meeting to be held on 1992 December 2 and all Committee Members were encouraged to attend this meeting to be held at 5:00 o'clock p.m. in the Planning Library, 7th Floor, City Hall.

b) International Village B.I.A. Meeting

John Mokrycke advised Committee Members that he represented LACAC at the International Village Business Improvement Area Meeting held on 1992 November 18 to answer any questions on Heritage Funding and Designation.

c) BAMBERGER HOUSE

Committee Members were advised that Peter Stokes, Restoration Architect hired by the Hamilton Region Conservation Authority, made a site visit to the Bamberger House with a view to possibly moving this building to the Westfield Heritage Centre. A copy of the report respecting the Bamberger House c. 1820 as prepared by Peter John Stokes, Frank R. Burcher, Architects, dated 1992 November was then circulated to all members present.

10. CO-ORDINATOR OF HOUSING LOANS, BUILDING DEPARTMENT

Information Report re: Community Heritage Trust Fund - Loan Security and Defaults

The Committee was in receipt of an Information Report dated 1992 November 13 from the Co-Ordinator of Housing Loans, Building Department, respecting the above-noted matter. This report was received as circulated.

Mr. Gamble, Building Department, then advised Committee Members that he has been in contact with the Ministry of Culture and Communications respecting the eight outstanding Heritage Funding Applications and has been advised that funding for these applications has been approved, but written confirmation of this approval has not but been received.

After some discussion, the Committee approved the following:

That a registered letter be sent to the Minister of Culture and Communications requesting that written confirmation of the Heritage Funding approval for the eight outstanding Designated Property Grants be sent to the applicants as soon as possible in order that all necessary work may proceed.

11. OTHER BUSINESS

1992 December Meeting

General discussion ensued on the next meeting date scheduled for 1992 December 18 and Committee Members agreed to change this meeting date to Wednesday, 1992 December 16 at 4:30 o'clock p.m. given that Madge Comba, owner of Custom House has graciously offered the use of Custom House for the next meeting.

12. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved

**Diane Dent, Chairperson
Local Architectural Conservation
Advisory Committee**

Charlene J. Coutts, Secretary

D b)

CITY OF HAMILTON
- INFORMATION -

DATE: 1993 January 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Approved Site Plan Control Applications

BACKGROUND:

The following Site Plan Control Applications were approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

DA-92-21	-	1067 Rymal Road East
DA-92-31	-	25 Towercrest Drive
DA-92-37	-	217-219 Cannon Street East
DA-92-53	-	1100 Limeridge Road East

2.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO: Ms. T. Agnello, Secretary
Planning and Development Committee

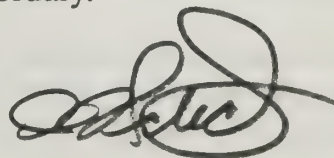
FROM: Mr. J. J. Schatz
City Clerk

OUR FILE:
PHONE: 546-2727

SUBJECT: OBJECTION TO BY-LAW 92-281
RE: HOUSING INTENSIFICATION
STRATEGY

DATE: 1993 January 13

Attached please find a letter dated 1992 December 10 from myself respecting an objection to By-law 92-281 respecting a general text amendment regarding the Housing Intensification Strategy which City Council at its meeting held January 12, 1993 referred to the Planning and Development Committee for its first meeting in February.



att.

ROBERT ANDERSON
206 WEST 18TH STREET
HAMILTON, ONTARIO
L9C 4G8

December 9, 1992

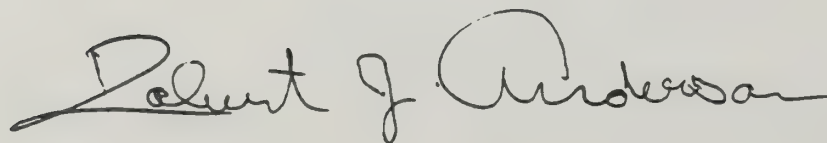
RECEIVED

DEC 09 1992

CITY CLERKS

We are objecting to the conversion of Single Family Dwellings into Dual Family Dwellings according to the By-Law 92-281 to amend Zoning By-Law 6593, due to:

- * deterioration of the neighbourhood
- * devaluation of property by people who wish to maintain it as a Single Family Residential area
- * don't want to see encroachment of absentee landlords who purchase said properties for the monetary factor as opposed to worrying about the neighbourhood by neighbours who are trying to maintain the property



CITY OF HAMILTON

- RECOMMENDATION -

3(a)
RECEIVED

DATE: December 16, 1992

DEC 17 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

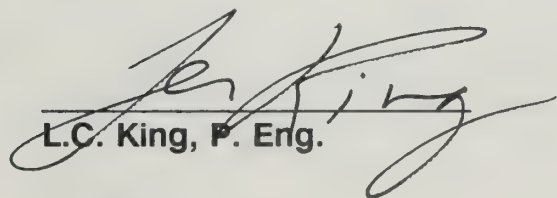
CITY CLERKS

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
589 MAIN STREET EAST - Tag Number 88055
(92.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 589 Main Street East.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Commercial)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Unknown (See below)

BRIEF DESCRIPTION: 2½ storey brick veneer and wood frame dwelling

Demolish 2½ storey brick veneer and wood frame dwelling. Refer to #593 and #595 Main Street East for possible uses. No interest by LACAC. Lot size 30' x 144'.

The owner of the property as per the demolition permit is:

Hamilton General Hospital

3.(b)

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

DEC 17 1992

CITY CLERKS

DATE: December 16, 1992

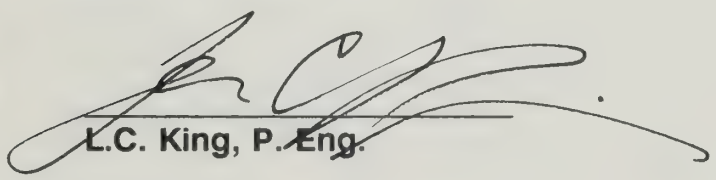
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
593 MAIN STREET EAST - Tag Number 88054
(92.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 593 Main Street East.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Commercial)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Unknown (See below)

BRIEF DESCRIPTION: 2½ storey brick and wood frame dwelling

Demolish 2½ storey brick and wood frame dwelling. The proposed use is listed as unknown. The location was the site of a Committee of Adjustment hearing and also an Ontario Municipal Board hearing on a men's detox centre being located on the property. Lot size 49.3' x 144.6'.

The owner of the property as per the demolition permit is:

892931 Ontario Inc.

3.(c)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: December 16, 1992

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
595 MAIN STREET EAST - Tag Number 88053
(92.1.1.A)

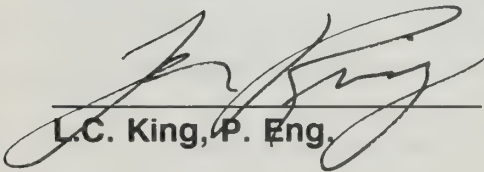
RECEIVED

DEC 17 1992

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 595 Main Street East.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Commercial)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Unknown (See below)

BRIEF DESCRIPTION: 2½ storey brick house

Demolish 2½ storey brick house. The proposed use is listed as unknown, although this is a proposed location for a men's detox centre. No LACAC interest. Lot size 25.5' x 144'.

The owner of the property as per the demolition permit is:

Hamilton General Hospital

4.1

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 14, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner
E.M. Gill, P.Eng.
Senior Director, Roads Department

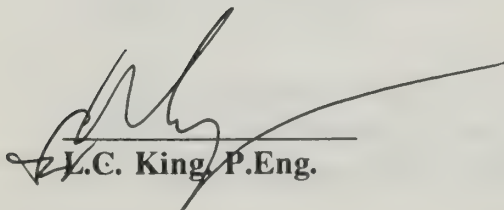
SUBJECT: By-law #80-245 as amended by By-law #88-09 respecting land drainage
(93.2.4.2.1.A)

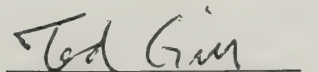
RECOMMENDATION:

That By-law #80-245 be appropriately amended to allow buildings other than single and two-family dwellings and buildings accessory thereto to discharge rainwater leaders directly on to the ground rather than providing a connection to storm sewers.

That Section 6 be amended to include the following:-

- a) That roof leaders are not required to be connected to storm sewers on buildings, other than single family and two-family dwellings and accessory buildings thereto, where the site design is prepared by a Professional Engineer and the design is acceptable to the Commissioner of Transportation/Environmental Services.
- b) Where roof leaders are not required, water shall discharge on to splashpads in sodded areas and shall discharge at least 0.6m from the building face.


L.C. King, P.Eng.


E.M. Gill, P.Eng.
LCK/EMG/PCL/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Storm water servicing costs for development sites with buildings other than one and two family dwellings may be reduced. Municipal sewers would not be materially affected by the changes.

BACKGROUND:

In 1988, By-law #80-245 was amended by By-law #88-09 requiring the connection of rainwater leaders to storm sewers. The purpose of this by-law was to alleviate neighbourhood disputes and flooding caused by the discharge of rainwater leaders in close proximity to property lines. The by-law, as it stands, has been successful in alleviating the majority of problems caused by downspouts.

Since the passing of the by-law, the Building Department has encountered some problems with enforcement of the by-law on multiple-residential projects. On large projects, it has been the practice of designers to include all storm run-off within the boundary of the property and to provide adequate drainage by way of catchbasins and retention facilities.

Further to the amendments to this by-law and still wishing to eliminate any possibility of damage to properties of new homeowners, a Task Force on Lot Grading was formed made up of members of Council, industry, public, and staff whose mandate was "for the purpose of meeting to look for a mechanism that can be put in place to regulate and control the installation of retaining walls, ensure proper grading, etc.".

As a result of these meetings, a report was submitted to the Planning and Development Committee recommending that changes be made to certain clauses in subdivision agreements whereby grading must be completed and certified by a Professional Engineer within six months of the insulation inspection. With these clauses, it now ensured that the grading of all subdivisions was the responsibility of a Professional Engineer. To date, this has been a very successful method of alleviating grading and flooding problems in new subdivisions.

Multiple residential sites and commercial sites are subject to the same scrutiny by way of the Development Agreement process. Submissions are reviewed by staff prior to the issuance of any permits and field review is carried out by staff to ensure compliance.

Due to the regulation of drainage and grading by subdivision control and site plan approval, it was concluded that adequate protection is provided by the proposed recommendation. Single and two-family dwellings will continue to require direct connection whereas all other development will have site controlled storm water management.

Other Alternatives

Other alternatives which were considered, but rejected upon investigation are as follows:

1. **Require connection of all rainwater leaders for all buildings unless designed by a Professional Engineer.**

This alternative allows flexibility in storm water management, but could exempt some single family dwellings and thereby create a potential for future problems.

2. **Connection of rainwater leaders optional.**

This alternative allows for flexibility in design, but does not ensure that the design is done by a competent professional.

Survey Results

With respect to the connection of rainwater leaders to storm sewers, a review of the practices of adjoining municipalities was undertaken.. Respondents were contacted respecting the connection of rainwater leaders and also concerning any problems associated with rainwater leaders discharging directly on to the ground.

The survey, as outlined in the following chart, revealed that only one municipality required the connection of rainwater leaders to storm sewers for residential, commercial, or industrial buildings.

It is worth noting that in municipalities which require catchbasins for commercial and industrial buildings, rainwater leaders are allowed to spill on to the ground and flow into catchbasins.

MUNICIPALITY RAINWATER LEADER SURVEY RESULTS

MUNICIPALITY	*R.W.L. TO STORM SEWERS	*R.W.L. TO COMBINED SEWERS	EXCEPTIONS
Ancaster	No	No	Commercial/industrial require catchbasins
Dundas	No	No	Industrial requires catchbasins
Burlington	No	No	Commercial/industrial require catchbasins
Stoney Creek	No	No	Industrial requires catchbasins
Grimsby	No	No	Commercial/industrial require catchbasins
Niagara Falls	No	No	Industrial requires catchbasins
St. Catharines	Yes & No	No	Since July 1992 connection to storm sewers prohibited
Oakville	No	No	Commercial/industrial require catchbasins

***R.W.L. - Rainwater leaders**

If the requirement for the connection of rainwater leaders to all buildings was to be eliminated, the following benefits would be realized for new home construction.

1. Reduce the cost of servicing new homes by reducing the size of the storm sewer extending from the municipal sewer to the building.
2. Reduce the cost of construction of an average single family dwelling by \$1,000.

4.2

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JAN 11 1993

CITY CLERKS

DATE: January 7, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

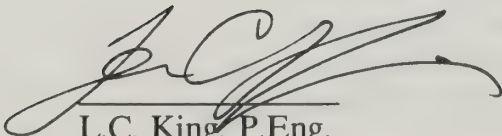
FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: RAINWATER LEADER BY-LAW
1606-1626 UPPER GAGE AVENUE
(By-law #88-09)

RECOMMENDATION:

That the townhouse project at 1606-1626 Upper Gage Avenue known as MacCuish Court Townhouses be exempt from connecting all rainwater leaders to storm sewers as required by By-law #80-245 upon completion of the following outstanding requirements:

- a) All roof leaders shall discharge onto splash pads.
- b) The swales along the west and south property lines, shall be constructed as per the approved site plan.
- c) Submission and approval of a revised grading plan.



L.C. King, P.Eng.
LCK/PCL/dm
Encl.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In 1988, By-law #80-245 was amended by By-law #88-09 requiring the connection of rainwater leaders to storm sewers. The purpose of this by-law was to alleviate neighbourhood disputes and flooding caused by the discharge of rainwater leaders in close proximity to property lines. The by-law, as it is presently worded and enforced, has been successful in alleviating most problems caused by downspouts.

Since this by-law passed, the Building Department has encountered several problems with enforcement of the by-law on multiple-residential projects. On large projects, it has been the practice of designers to include all storm run-off within the boundary of the property and to provide adequate drainage by way of surface catchment and retention on the site.

The architect of the above-noted property, Trevor P. Garwood-Jones, is seeking an exemption to the by-law. Please find attached a copy of a letter from Trevor P. Garwood-Jones, Architect, respecting this development, where by an oversight, the builder did not connect the rainwater leaders directly to the storm sewers.

Regional Engineering has provided the following comments respecting the proposed by-law exemption:

"The original grading plan for this site was not reviewed on the basis of rainwater leaders discharging at grade and, therefore, the drainage area per catchbasin will increase significantly.

During a recent site inspection, we noted that the required swales along both the west and south limits of the property are either non-existent or poorly defined and the roof leaders are directing water towards the neighbouring properties. Since the roof leaders do not discharge onto splash pads, erosion is likely to occur. Along the south property line, the roof leaders are discharging at the top of a slope and the water is directed straight into the abutting property. The roof leaders from Block "B" are directed towards the Upper Gage Avenue road allowance.

Since the townhouses have been construction and are now occupied, it would be very expensive to connect the roof leaders to the storm drains at this time. Therefore, based on a site inspection on November 5, 1992, we can only support the recommendation with the above-noted conditions.

It should be noted that the letter to you from Trevor P. Garwood-Jones dated October 30, 1992 has some inaccuracies on Page 2.

The neighbouring lands to the west were developed by severance and, therefore, the City/Regional had no control over the grading and did not review or approve any grading plans. In fact, we recently determined that the subject lands are higher than proposed in some areas and are actually blocking the drainage of the lands to the west. The swale and drain added by the developer were done so at the City's request since it was a requirement in our original comments dated February 26, 1991 that the subject development must allow the lands to the west to drain through. We advised the Planning Department on March 5, 1992 that a revised grading plan would be required for our approval, however, to date, this has not been submitted."

The Architect has confirmed that the site, although not connected to storm sewers, has been designed to adequately deal with storm water. This proposal is similar to water catchment for a parking lot where surface water is run into catchbasins and then discharged into a storm sewer.

c.c.- Fred Vermmeulen, 16 George Street
Hamilton, Ontario L8P 1E2
- Eugene P. Chajka, P.Eng.
Regional Engineering Department



Trevor P. Garwood-Jones

The Cooperage

185 Young St Hamilton Ontario L8N 1V9

Architects Inc.

Tel 416-528-0468

Fax 416-523-7600

October 30, 1992

City of Hamilton
Building Department
City Hall
71 Main Street West
HAMILTON, Ontario

ATTENTION: Mr. L. King

SUBJECT: Victoria Park Community Homes
MacCuish Court Townhouses
1606 - 1626 Upper Gage Avenue
(Tag Nos. 83554 to 83559)

CITY OF HAMILTON	
DEPARTMENT OF BUILDINGS	
OCT 28 1992	
REC. BY <i>JS</i>	DATE
REF'D TO <i>JS</i>	DATE
REF'D TO	DATE
REF'D TO	DATE

Dear Sir:

Further to our recent telephone conversation, we are writing to formally request relief from the outstanding Order to Comply dated September 9, 1991 regarding the Rainwater Leader Bylaw.

By way of explanation, we wish to briefly recap the events which have taken place with respect to this situation.

The Order to Comply was issued to connect the rainwater leaders to the storm sewers when this project was under construction. At the time of issuance, the backfilling and installation of weeping tile was 80% complete. The requirements of this Bylaw were not included in the Contract Drawings or Permit Drawings, and the omission was not discovered until that time.

Due to the advanced nature of the construction, the cost to add this system would have been considerable. Coupled with the Ministry of Housing's unwillingness to entertain Change Orders, it was decided to approach the Planning and Development Committee and the Building Department for relief from this Bylaw.

../2

Associates

Joseph Bolf, MAATO
John Bradley, MAATO
Ross Hanham, B.L.Arch
Joanne McCallum, B.A., M.E. Des. (Arch), MRAIC, OAA
Jack McCollum, B.S., B. Arch, MRAIC, OAA
Greg Sather, B.Arch, MRAIC, OAA
Fred Vermeulen, B.Arch, MRAIC, OAA





Hamilton Building Department
Mr. L. King
October 30, 1992

Pg. 2

The Contract and Permit Drawings included an engineering approach to handling the rainwater which differed from the approach mandated by the Bylaw. The Site Servicing Consultant had graded the site to handle all rainwater and drainage on site. Grading would not allow any drainage to neighbouring lands. In fact, some neighbouring lands had been graded to different elevations from the approved Engineering Drawings at the City and Region, and this site now drained those lands (to the west) as well. Catch basins had been designed, placed and sized to accommodate all the drainage water, including waters directed on grade from the rainwater leaders. This approach allowed for some water to percolate back into the soil before overflows are drained at catch basins. The grading was engineered specifically to prevent any waters from flowing to neighbouring properties and over public roads or sidewalks.

It should be noted that the actual grades on neighbouring lands to the west differed significantly from the grades approved by the Region. As a consequence of complaints from this neighbour, the grades along this boundary were revised, a swale and catch basin added, all at the expense of Victoria Park Community Homes.

This alternate engineering approach to the handling of roof water was presented to the Planning and Development Committee without success, the key opponent being the Ward Alderman, Mr. H. Merling.

At a subsequent P & D meeting, Alderman Eisenberger requested a review of this Bylaw. The end result of discussions initiated by this request was that any applicant wishing relief from this Bylaw was free to come before P & D to discuss and request same. In light of the position taken by Alderman Merling, we arranged for a meeting with him to discuss in detail our request for relief and our intention to come before P & D again.

We met with Alderman Merling, and the meeting was also attended by Mr. Larry Harvey of the Building Department, Mr. Colin Gage, General Manager of Victoria Park Community Homes, and the writer. After our presentation, Alderman Merling agreed our request was reasonable, and he asked Mr. Larry Harvey to review the specifics, and prepare a report for the Planning and Development Committee.

../3



Hamilton Building Department
Mr. L. King
October 30, 1992

Pg. 3

This brings us to the current situation and our phone call to you enquiring as to the status of this report. Essentially, we wish to renew our request seeking relief from this Bylaw on the basis that the rainwater from the roofs has been engineered in a different, but equal, manner. Although we are prepared and willing to present drawings detailing the engineering of the site, grading, storm sewers and catch basins, these issues have all been reviewed by Mr. Larry Harvey. We are confident this engineering approach is at least equal, if not superior, to the approach required by the Bylaw. It is also consistent with the current and new rainwater drainage policies of many other environmentally sensitive Municipalities.

Therefore, we ask that you make a presentation on our behalf to the Planning and Development Committee to have Victoria Park Community Homes' outstanding Order to Comply vacated. We also request to be registered to speak at this P & D meeting, and we would be prepared to present our request, and the appropriate engineering if required.

As this matter has dragged on for almost a year, and Victoria Park Community Homes wishes to close out the construction loan on this project, we would appreciate it if this could be added to the earliest P & D Agenda possible.

We wish to thank you in advance for your co-operation and assistance in this matter, and we remain available to provide any details, information or clarifications you may require.

Yours truly,

for Fred Vermeulen
FV/c236

c.c. City of Hamilton - Alderman Merling
- Alderman Eisenberger
Victoria Park Community Homes - Mr. C. Gage

5.(a)

RECEIVED

PLANNING AND DEVELOPMENT DEPARTMENT

JAN 13 1993

MEMORANDUM

CITY CLERK'S

TO: Tina Agnello, Secretary
Planning and Development Committee

YOUR FILE:

FROM: V.J. Abraham, M.C.I.P.
Director of Local Planning

OUR FILE: ZA-92-34
PHONE: 546-4258

DATE: 1993 January 12

SUBJECT: REVISED RESOLUTION
ZA-92-34
NEWBURN NEIGHBOURHOOD

BACKGROUND:

At its meeting held on January 6, 1993, the Planning and Development Committee considered and approved the subject application in principle, subject to staff bringing back a revised resolution to approve this zoning application including special variances and provisions for site plan approval at the next meeting of the Planning and Development Committee.

In keeping with the intent of the "Urban Design Guidelines for Upper James Street Corridor" as they apply to the Neighbourhood Commercial Uses - Mewburn Neighbourhood, it would be appropriate to require the following as special requirements for the proposed development in the amending by-law:

- a minimum setback of 6.0 m to be provided and maintained from Upper James Street;
- a minimum setback of 6.0 m to be provided and maintained from the proposed mid-block collector road;
- a landscaped planting strip having a minimum width of 6.0 m to be provided and maintained along the easterly lot line of Blocks "2" and "3" (adjacent to Upper James Street), and along the northerly lot line of Block "3" (adjacent to the proposed mid-block collector road), except for any area used for vehicular access.

For the information of the Committee, these requirements are consistent with those applied to the proposed commercial development at the north-east corner of Stone Church Road East and Upper James Street.

In keeping with the recommendation of the Roads Department, the amending by-law should not be forwarded for passage by City Council until such time as the owner enters into a modified subdivision agreement with the City and the Region of Hamilton-Wentworth, which will include the dedication of the neighbourhood mid-block collector street and daylight triangles to the City, and provide for the recovery of servicing costs to the Region and the City of Hamilton for this street.

As the "HH" District is subject to Site Plan Control By-law No. 79-275 as amended by By-law 87-223, matters dealing with landscaping, grading, fencing, site design, access location, etc. will be addressed at that stage of development.

REVISED RESOLUTION:

- A. That approval be given to amended Zoning Application 92-34, 603815 Ontario Inc., (David John Armstrong), owner, requesting changes in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District modified (Block "1"), from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified (Block "2"), and from "C" (Urban Protected Residential, etc.) District modified to "HH" (Restricted Community Shopping and Commercial, etc.) District modified (Block 3), to permit commercial uses including a multiple bay, coin-operated car wash, on property located at Nos. 1492 and 1500 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That Block "1" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
 - ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
 - iii) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District modified to "HH" (Restricted Community Shopping and Commercial) District;
 - iv) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to Blocks "1", "2" and "3", be modified to include the following variances as special requirements:
 - 1) That notwithstanding Section 14A(1) of Zoning By-law No. 6593, the following commercial use shall also be permitted:
 - a) a coin-operated car wash;

- 2) That notwithstanding Section 14A(3) of Zoning By-law No. 6593, a minimum setback of 6.0 m shall be provided and maintained from the easterly lot lines of Blocks "2" and "3";
 - 3) That notwithstanding Section 14A(3) of Zoning By-law No. 6593, a minimum setback of 6.0 m shall be provided and maintained from the northerly lot line of Block "3";
 - 4) That a landscaped planting strip having a minimum width of 6.0 m shall be provided and maintained along the easterly lot line of Blocks "2" and "3", and along the northerly lot line of Block "3", except for any area used for vehicular access;
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-9D be notated S- ;
 - vi) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
 - vii) That the proposed changes and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- B.** That the amending By-law not be forwarded for passage by City Council until such time as the owner/applicant has entered into a modified subdivision agreement with the City and the Region of Hamilton-Wentworth, which will include the dedication of the neighbourhood mid-block collector street and daylight triangles to the City, and provide for the recovery of servicing costs to the Region and the City of Hamilton for this street.

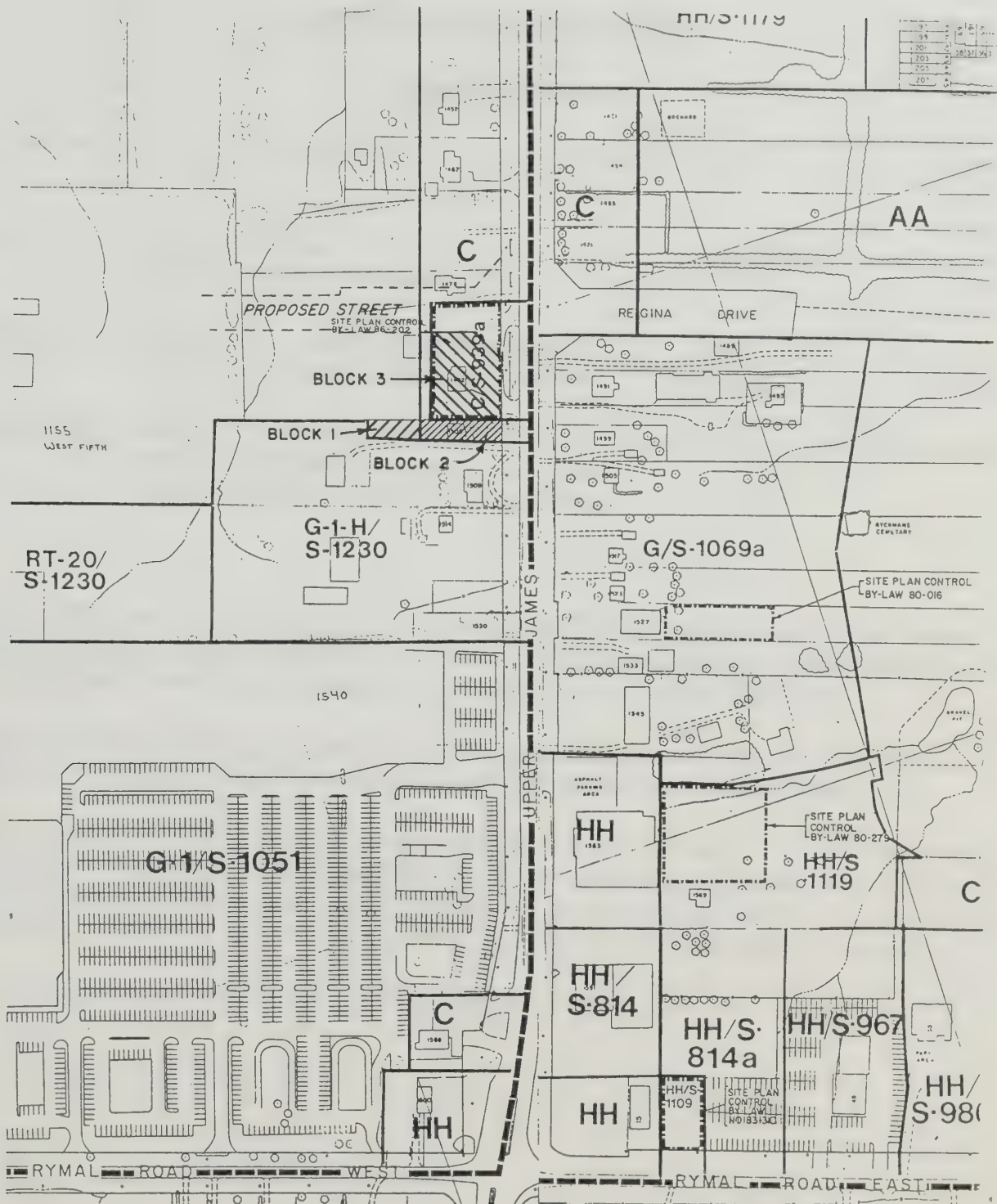
EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes and a modification in zoning for lands located at Nos. 1492 and 1500 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- Block "1" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
- Block "2" - Change from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
- Block "3" - Change from "C" (Urban Protected Residential, etc.) District modified to "HH" (Restricted Community Shopping and Commercial) District.




The effect of the By-law is to permit development of the subject lands for commercial uses, including a multiple bay, coin-operated car wash. In addition, the By-law provides for the following variances as special provisions:

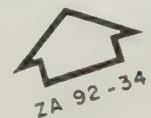
- to require a minimum setback of 6.0 m to be provided and maintained from Upper James Street;
- to require a minimum setback of 6.0 m to be provided and maintained from the northerly lot line of Block "3" (proposed mid-block collector road); and
- to require a landscaped planting strip having a minimum width of 6.0 m to be provided and maintained along the easterly lot line of Blocks "2" and "3" (adjacent to Upper James Street), and along the northerly lot line of Block "3" (proposed mid-block collector road), except for any area used for vehicular access.



Legend

Proposed change in zoning from:

- | | | |
|---------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified. |
| BLOCK 2 |  | "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified. |
| BLOCK 3 |  | "C" (Urban Protected Residential, etc.) District, modified to "HH" (Restricted Community Shopping and Commercial) District, modified. |



5.(b)

CITY CLERK'S DEPARTMENT

MEMORANDUM

TO: Victor Abraham
Director of Local Planning

YOUR FILE:

FROM: Charlene J. Coutts, Acting Secretary
Planning and Development Committee

OUR FILE:
PHONE: 546-3994

SUBJECT: **HOLDING OF PLANNING AND
DEVELOPMENT COMMITTEE PUBLIC
MEETINGS IN COUNCIL CHAMBERS**

DATE: 1993 January 8

At the 1993 January 6 meeting of the Planning and Development Committee, Alderman Wilson suggested that consideration be given to holding the Public Meeting portion of the Planning and Development Committee Meetings in the Council Chambers.

The Committee agreed given that Room 233 is often not large enough to accommodate the number of people in attendance and the sound system in that room is inadequate.

Please advise the Committee Secretary when you feel there will be a lot of citizens in attendance at the Public Meetings based on the number of reply cards you receive for a particular zoning application and the number of zoning applications to be heard at one meeting so that plans can be made to hold these meeting in the Council Chambers.

Your co-operation in this regard is most appreciated.



cc: Alderman Dave Wilson
Alderman Don Drury

CITY OF HAMILTON
- RECOMMENDATION -

6.
RECEIVED

JAN 13 1993

CITY CLERKS

DATE: 1993 January 12
CI-83-B

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: 1993 Departmental User Fees

SECOND REPORT:

RECOMMENDATION:

That the following Policy Guideline be adopted for purposes of differentiating between "Routine" and "Complex" Rezoning Applications, and the administration of Planning Fees:

a) Routine Application

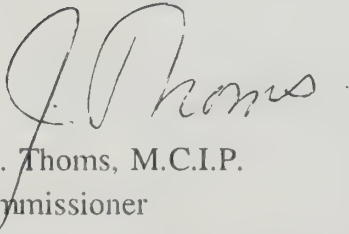
- To add one specific use (i.e. that does not change the zoning district); or
- To reduce yard requirements or modify other district requirement (i.e. only one requirement); or
- To zone three single-family dwelling lots or less; or
- To remove an "H" Holding provision; or
- To extend a "Temporary Use" By-law.

b) Complex Application

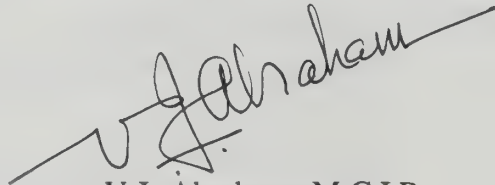
All others.

c) Administration

The Director of Local Planning shall be responsible for administration of Planning Fees. In case of any dispute, the decision of the Director of Local Planning shall be final.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

At its meeting of January 4, 1993, the Planning and Development Committee considered a new "Schedule of User Fees" for Planning Applications. However, due to the concerns of Committee members for those individuals making minor/routine applications, the proposed fees were approved subject to:

- the introduction of a separate fee structure for Routine and Complex Rezoning Applications; and
- the development of a Policy Guideline to differentiate between Routine and Complex Rezoning Applications.

COMMENT:

Each year numerous Rezoning Applications are received which could be classified as Routine. Examples include:

- a modification in zoning to permit one additional use such as accessory parking; previously, hairdressing as a home occupation; an automotive use in the "M" Districts; etc.;
- a modification to the established District regulations such as an increase in the allowable capacity of a Residential Care Facility; a reduction in parking for residential conversion; etc.;

- the zoning of a single-family dwelling lot created by severance;
- the removal of an "H" Holding provision;
- the extension of a "Temporary Use" By-law.

Less staff time is required to evaluate and process these types of applications, due to their singular focus. In this regard, the following fee structure and Policy Guidelines for differentiating between Routine and Complex Rezoning Applications would be appropriate:

- Routine Application

\$850

- To add one specific use (i.e. that does not change the zoning district); or
- To reduce yard requirements or modify other district requirement (i.e. only one requirement); or
- To zone three single-family dwelling lots or less; or
- To remove an "H" Holding provision; or
- To extend a "Temporary Use" By-law.

- Complex Application

Phase I \$1,100

(P & D - Council decision)

- All others.

Phase II \$ 600

(Council Approved Applications)

It should be noted that the fee for Routine applications is the 1992 fee (\$830) adjusted by the rate of inflation. Furthermore, there is no Phase II fee as with Complex applications.

For purposes of implementation, it is suggested that the Director of Local Planning be responsible for Administration of all Planning Fees, and in case of any dispute the Director's decision should be final.

CONCLUSION:

That the foregoing fee structure and Policy Guideline be adopted for purposes of differentiating between Routine and Complex Rezoning Applications.

7.
RECEIVED

JAN 13 1993

CITY OF HAMILTON

- RECOMMENDATION -

CITY CLERKS

DATE: 1993 January 12
ZA-92-47
Rushdale Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - Nos. 1340, 1342 and 1348
Upper Sherman Avenue.

RECOMMENDATION:

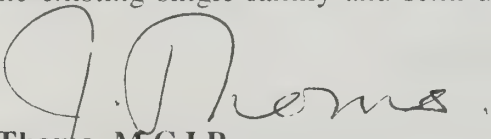
- A. That approval be given to amended Zoning Application 92-47, Enrico Mancinelli and Ricardo Persi, owners, requesting a change in zoning from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, to permit an existing single-family and a semi-detached dwelling, located on property located at Nos. 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as Appendix "A", on the following basis:
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District;
 - ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
 - iii) That the proposed change in Zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - iv) That the Rushdale Neighbourhood Plan be amended by redesignating the subject lands from "ATTACHED HOUSING" to "SINGLE and DOUBLE RESIDENTIAL".
- B. That the City Clerk request the Law Department to advise the Ontario Municipal Board of the subject rezoning and land severance approvals as they relate to the previous rezoning and Board ordered notification of site plan approval applicable to these lands (ZA-89-101). Furthermore, that Schedule "A" to By-law 90-283, applicable to the previously approved development, be substituted with a revised Schedule "A" by deleting

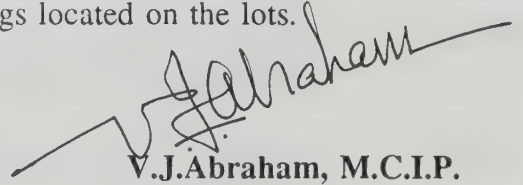
the subject lands, thus providing for a reduced townhouse site under By-law 92-283.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, for property located at Nos. 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to provide for land severances and to establish the appropriate zoning for the existing single family and semi-detached dwellings located on the lots.


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed change in zoning is to establish the appropriate zoning for the existing single-family and semi-detached dwellings located on the lands shown on the attached map marked as Appendix "A".

- Previous Rezoning

On October 9, 1990, City Council passed By-law No. 90-283 which rezoned the subject lands and the adjoining lands to north and west from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District (see Appendix "B"). The By-law was appealed to the Ontario Municipal Board (O.M.B. File R 910039) and at the hearing held on April 15, 1992, the Board dismissed the appeal. However, the Board's order will not be issued until the Board has been advised by the Clerk of the Municipality that a satisfactory site plan and, in particular, a grading plan has been developed for the subject site. In this regard, a site plan has recently been submitted to the City for approval (DA-92-42) which excludes the lands being the subject of this rezoning (See APPENDIX "C"). Should the site plan be approved, it will be necessary for the City Clerk to request that the Law Department advise the Board of the current rezoning and land severance approvals, and to request that Schedule "A" to By-law 90-283 be substituted with a revised Schedule "A" providing for a reduced townhouse site.

- Land Severance Applications

On December 1, 1992, the Regional Land Division considered and approved Land Severance Applications H-100-92 and H-101-92 to convey two parcels of land measuring 22.292 m x 30.60 m x 682.1 m² occupied by an existing brick semi-detached dwelling, and 22.86 m x 30.60 m x 699.5 m² occupied by a brick single-family dwelling, and to merge the balance of the holdings having areas of 1,553.6 m² and 1,273.4 m² respectively for townhouses.

Comments submitted by the Planning and Development Department in conjunction with the land severance applications advised that the Department, "were not opposed to the proposed severances for the following reasons:

- It would maintain the existing single-family character of the streetscape along Upper Sherman Avenue.
- It would be compatible with existing and proposed development in the surrounding area, including the proposed townhouses on the lands to be retained, existing single-family dwellings to the east, and the proposed "Institutional and Recreational" uses to the south.
- The proposal would act as a transition between the single-family development along the east side of Upper Sherman Avenue and the proposed townhouse development on the lands to be retained."

APPLICANT:

Enrico Mancinelli and Ricardo Persi, owners.

LOT SIZE AND AREA:

- 45.152 m of lot frontage on Upper Sherman Avenue;
- 30.60 m of lot depth; and
- 1,381.65 m² (14,872.44 sq. ft.) of lot area.

LAND USE AND ZONING:

<u>Subject Lands</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
	a single-family and a semi-detached dwelling	"AA" (Agricultural) District (* note: By-law 90-283 rezoned the subject lands to "RT-20" (Townhouse and Maisonette) District - final O.M.B order pending submission and approval of a site plan by the City)
to the north	single-family dwellings	"AA" (Agricultural) District (* part of these lands subject to the above note)
to the south	single-family dwelling and vacant lands	"AA" (Agricultural) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	vacant	"AA" (Agricultural) District (* part of these lands subject to the above note)

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept plan of the Official Plan. The following policies, among others, would apply:

- "2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- 2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- 7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- 7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- 7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "ATTACHED HOUSING" on the approved Rushdale Neighbourhood Plan. The proposal does not comply. Approval of the application would require redesignation to "SINGLE AND DOUBLE RESIDENTIAL".

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. The "RT-20" zoning district By-law 90-283 is presently pending Ontario Municipal Board decision. These lands are presently under this amending by-law.

2. The land severance applications H-100-92 and H-101-92 require to be final and binding."

- The Roads Department has advised that:

"There is a public watermain available on Upper Sherman Avenue to service these lands. The storm and sanitary sewers, for these single family dwellings may be connected to the sewers on Upper Sherman Avenue if it is physically possible to do so. If not, there are storm and sanitary sewers available on Ruby Street. The owners would have to extend the Regional sewer easement over the lands to the north to connect into the sewer stubs on the existing Regional sewer easement shown as Parts 1, 2, 3, 4 and 5 on the attached plan.

The designated road allowance width of Upper Sherman Avenue is 30.48 m (100 ft.). In accordance with this designation, the Region previously acquired the required road allowance widenings on Upper Sherman Avenue, adjacent to the subject lands, by instrument No. 250220 H.L. and the street was widened by By-law No. 10479. Therefore, we do not anticipate any further road allowance widenings at this time.

Any works which may occur within the Upper Sherman Avenue road allowance, as widened, must conform to the Region's Roads Use By-law. According to plans submitted by the applicant, the existing hedge at No. 1348 Upper Sherman Avenue encroaches into the road allowance. This encroachment is contrary to the Region's Roads Use By-law and remains at the sole risk of the applicant/owner.

Any change in access or new access to Upper Sherman Avenue, requires an approach approval from the City of Hamilton Traffic Department.

According to the Rushdale Neighbourhood Plan, these lands are designated for attached housing. We understand that Land Severance Applications H-100-92 and H-101-92, which severs these houses from the proposed townhouse site, were approved by the Land Division Committee subject to zoning approval."

- The Traffic Department and the Hamilton Region Conservation Authority has no comments or objections.

COMMENTS:

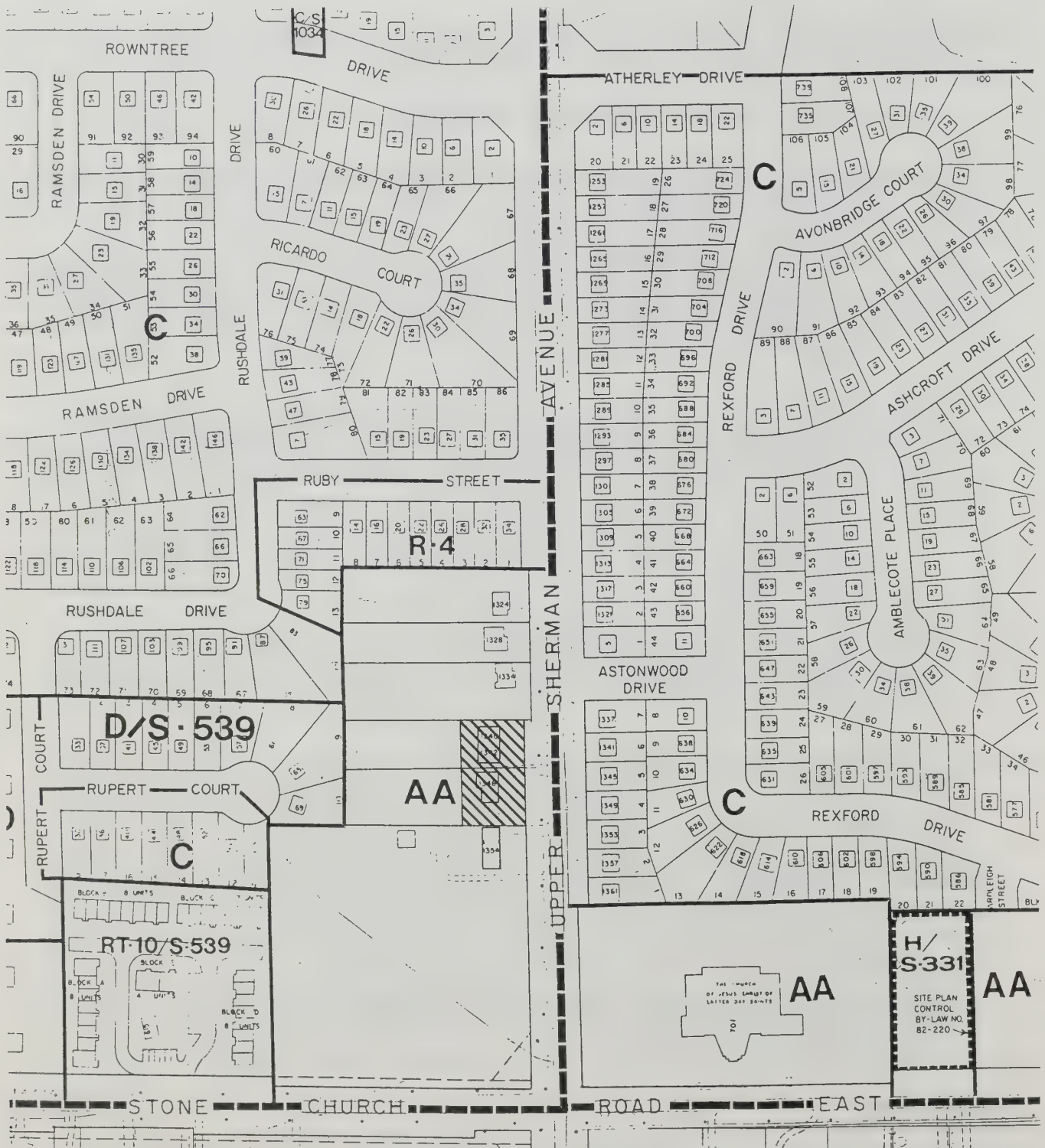
1. The proposal complies with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Rushdale Neighbourhood Plan. Approval of the application would require redesignation from "ATTACHED HOUSING" to "SINGLE and DOUBLE RESIDENTIAL."

3. The proposal has merit and can be supported for the following reasons:
 - it complies with the intent of the Official Plan;
 - it would maintain the existing single-family character of the streetscape along Upper Sherman Avenue;
 - it would be compatible with existing and proposed development in the surrounding area, including the proposed townhouses on the lands to be retained, as well as lands further to north, existing single-family dwellings to the east, and the proposed "Institutional and Recreational" uses to the south;
 - the proposal would act as a transition between the single-family development long the east side of Upper Sherman Avenue and the proposed townhouse development on the lands to be retained as well as on lands further to the north;
 - it implements the condition of approval of the land severance applications by the Regional Land Division Committee requiring, among others, the rezoning of the subject lands.
4. The requested "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District zone is the appropriate zoning district for single-family and two-family (semi-detached) development.
5. As noted in the background section of this report, the subject lands and the adjoining lands to north and west were rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District in accordance with By-law 92-283. As a result of an appeal to the Ontario Municipal Board (O.M.B. File R 910039) and a Board order issued at the hearing, the By-law cannot be finalized until the Board has been advised by the Clerk that a satisfactory site plan and, in particular, a grading plan has been developed for the subject site. In this regard, a site plan has recently been submitted to the City for approval. Therefore, should the site plan be approved, it will be necessary for the City Clerk to request that the Law Department advise the Board of the current rezoning and land severance approvals, and to request that Schedule "A" to By-law 90-283 be substituted with a revised Schedule "A" providing for a reduced townhouse site.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

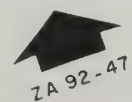
GAW/ma
WPZA9247



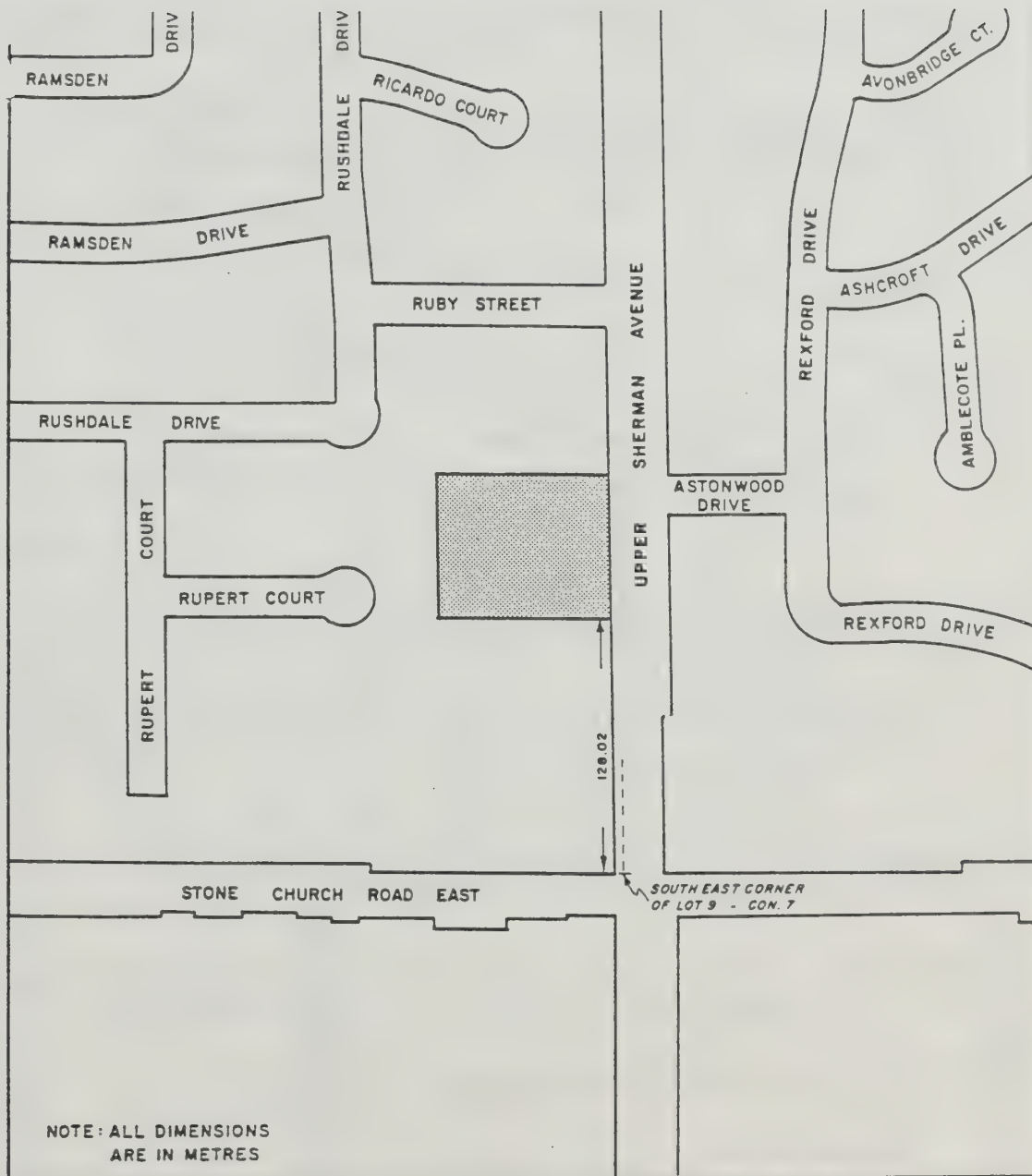
Legend



Site of the Application



APPENDIX A



CITY OF HAMILTON KEY MAP

TO BY-LAW NO. 90-283

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND



CHANGE IN ZONING FROM "AA" (AGRICUL-
TURAL) DISTRICT TO "RT-20" (TOWNHOUSE
MAISONETTE) DISTRICT, MODIFIED.

North



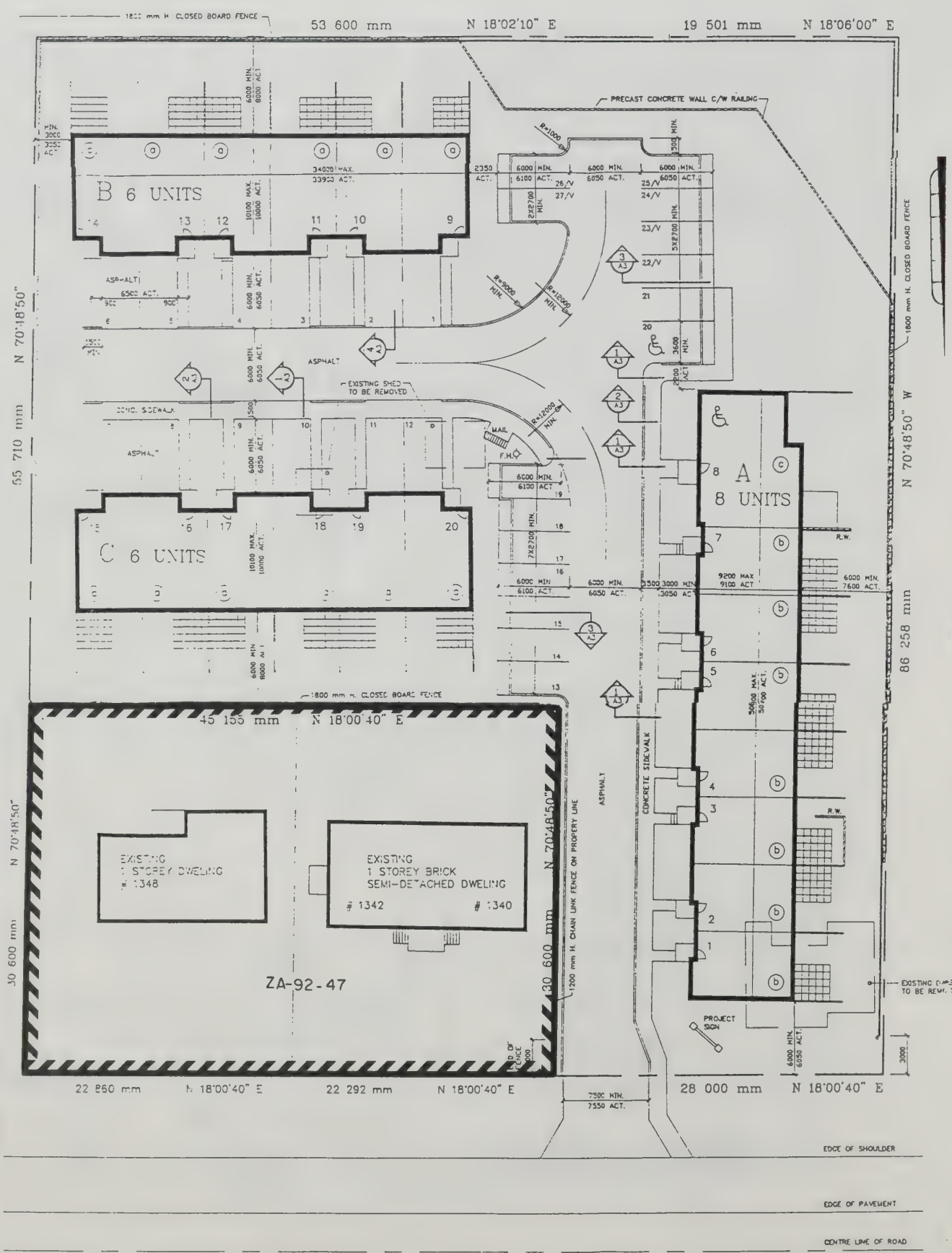
Scale
NOT TO SCALE

Date
SEPT. 1990

Reference File No.
ZA 89-101

Drawn By
Z.K.

APPENDIX B



UPPER SHERMAN AVENUE

CITY OF HAMILTON
- RECOMMENDATION -

8.
RECEIVED

JAN 13 1993

DATE: January 6, 1993
CI-92-E
Landsdale Neighbourhood

CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: City Initiative 92-E for a change in zoning - No. 290 - 296
Victoria Avenue North.

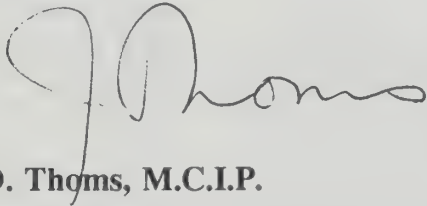
RECOMMENDATION:

- A. That approval be given to City Initiative 92-E, for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses etc.) District to "H" (Community Shopping and Commercial, etc.) District, for the property located at 290 -296 Victoria Avenue North, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the subject lands be rezoned from "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12 for presentation to City Council; and
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-233 be amended by adding the subject lands to Schedule "A".

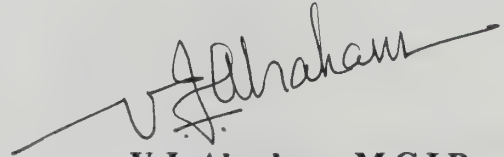
EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses etc.) District to "H" (Community Shopping and Commercial, etc.) District, for the property located at 290 - 296 Victoria Avenue North, as shown on Appendix "A".

The effect of the by-law is to permit commercial use of the subject lands, in accordance with the "H" (Community Shopping and Commercial, etc.) District regulations of Zoning By-law No. 6593.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The Property Department has requested that the Planning and Development Department undertake a City Initiative for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses etc.) District to "H" (Community Shopping and Commercial, etc.) District, to permit use of the subject lands for commercial purposes (eg. business and professional offices, retail establishments), in accordance with the "H" District regulations.

There are two (2) buildings existing on the subject lands, which were previously occupied by the Hamilton Civic Hospital - Personnel, Systems, and Social Work Departments. The Hospital Departments have relocated and the buildings are currently vacant. If the subject lands are rezoned, the proposed commercial uses could locate within the existing buildings, or the site could be redeveloped.

LOT SIZE AND AREA:

- 33.07 m (108.5 ft.) of lot frontage on Victoria Avenue North;
- 43.89 m (144.0 ft.) of lot depth; and,
- 1448.6 m² (15,594 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Institutional	"D"(Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north	Multiple Dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the south	Institutional	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the east	One and Two Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the west	Institutional- Hospital	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Commercial** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities...
- 2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,...

A.2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.

A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.2.39 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "COMMERCIAL" on the approved Landsdale Neighbourhood Plan. The proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agency and Departments have no comment or objection:

- Hamilton Region Conservation Authority; and,
- Union Gas.

- The Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

The existing and designated road allowance width of Victoria Avenue is 24.384 m (80 feet). Therefore we do not anticipate any further road allowance widenings at this time.

Any works which may occur within the Victoria Avenue North road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-Law.

The Traffic Department is to comment on access and access design. We recommend that the subject lands be developed through site plan control for detailed comments on grading, landscaping; access location etc.

The alleyway to rear of the subject lands is public assumed."

- The Traffic Department has advised that:

"Providing the parking and loading requirements as per the Zoning By-law on-site for the proposed "H" (Community Shopping and Commercial, etc.) District may not be possible using the existing building. A variance for a reduction in the number of required parking spaces would not be supported. We request that the lands be placed under site plan control. Furthermore, we suggest that the uses permitted in the proposed rezoning be restricted to the uses stated in the 1992 July 23 letter from Mr. M.C.J. Watson of the Property Department."

- The Building Department has advised that:

"If the zoning is changed, the property will abut residential zones on three sides. Medical offices require parking at the rate of one space per 19 square metres of floor area. In addition, parking, loading and manoeuvring spaces must be calculated in accordance with Section 18A (6-13), (21-24), (26), (30), (32) & (33). The plans submitted lack sufficient detail to establish compliance with the Zoning By-law."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Landsdale Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:

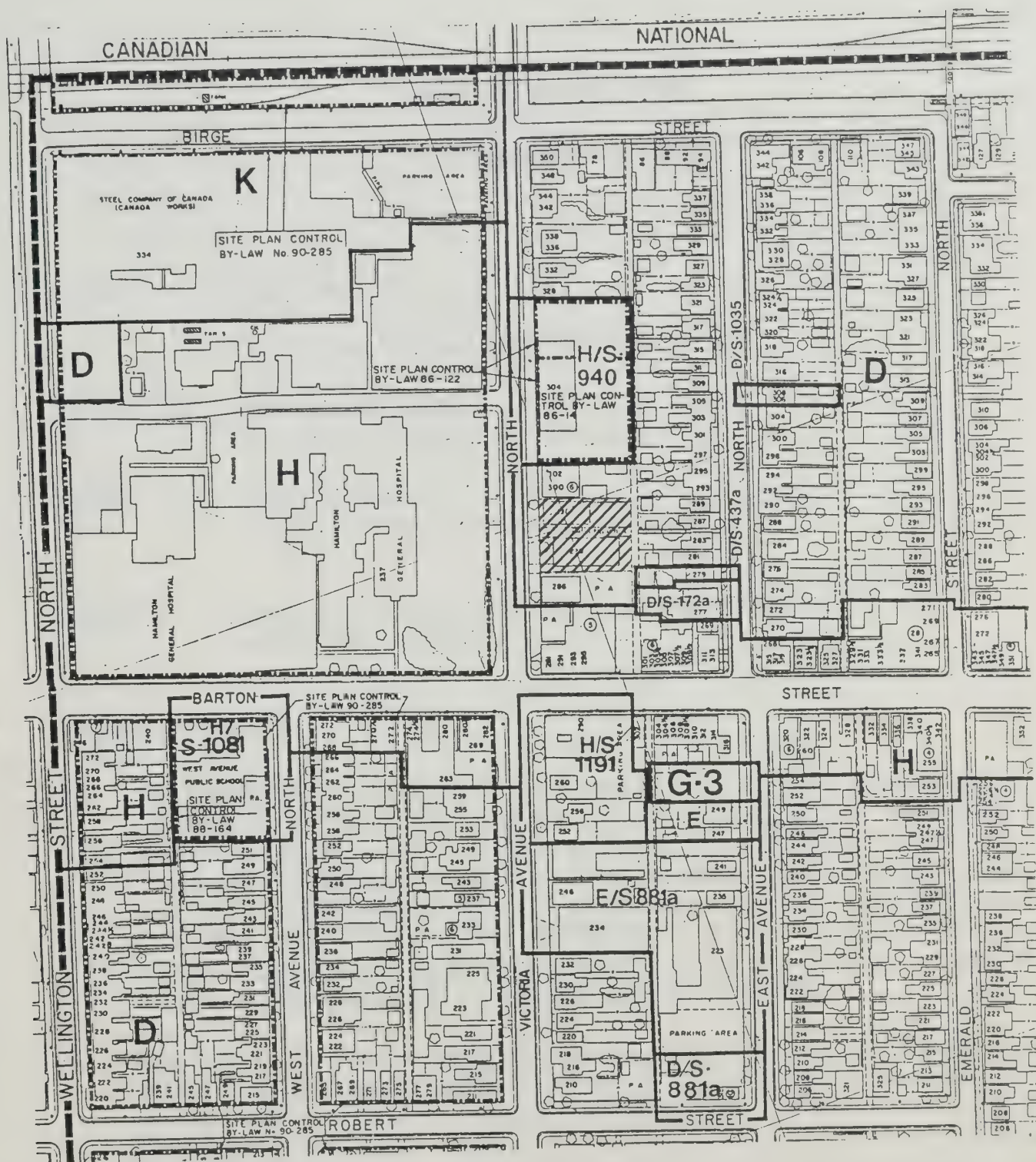
- i) it would implement the intent of the Official Plan, in that infilling and redevelopment of "Extended Commercial" strips is encouraged, to consolidate the viability of these areas;
 - ii) it would implement the intent of the approved Landsdale Neighbourhood Plan, which designates the subject lands "Commercial";
 - iii) the subject lands are suitably located on an arterial road (Victoria Avenue North), near the intersection with another major arterial road (Barton Street East);
 - iv) it would be compatible with existing and future development in the area, including institutional uses, commercial uses and multiple-family residential uses; and,
 - v) it would be consistent with established "H" (Community Shopping and Commercial, etc.) Districts to the south and west of the subject lands.
3. The Traffic Department has indicated that, if the existing buildings were utilized, depending on the types of commercial uses established, it may not be possible to meet the parking and loading requirements of the Zoning By-law. Furthermore they stated that a variance for the reduction of parking spaces could not be supported.

In this regard it should be noted that no variances are requested. The requirements of the "H" (Community Shopping and Commercial, etc.) District of Zoning By-law No. 6593, including parking and loading, would apply to the establishment of any of the permitted uses within the existing building. Consequently, only those commercial uses which can meet By-law requirements will be able to locate within the existing buildings. Furthermore, any redevelopment of the subject lands would have to be in accordance with the "H" (Community Shopping and Commercial, etc.) District provisions of Zoning By-law No. 6593.

4. The "H" (Community Shopping and Commercial, etc.) District is not subject to Site Plan Control By-law 79-275, as amended by By-law No. 87-233. Therefore, it would be appropriate to place the lands under Site Plan Control, so that if redevelopment of the site occurs, the City can review site details regarding: parking; grading; fencing; landscaping; access; etc..

CONCLUSION:

Based on the foregoing, the proposal can be supported.



Legend



Site of the Application

CI-92-E

APPENDIX A

9.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 January 13
ZA-91-17
Sheldon and Mewburn West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for rezoning - Lands north of Rymal Road West
and east of Garth Street.

RECOMMENDATION:

1. That approval be given to Official Plan Amendment No. to redesignate lands from "Open Space" to "Residential" (easterly portion of Block "2"), from "Residential" to "Major Institutional" (southwest corner of Block "1"), and "Major Institutional" to "Residential" (northeast portion of Block "1") to permit the development of the subject lands for a retirement village (Block "1"), townhouses (Block "2"), and single-family dwellings (Blocks "3" and "4") for property located on the north side of Rymal Road, east of Garth Street, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
2. That approval be given to amended Zoning Application 91-17, St. Elizabeth Home Society, owner, requesting a change in zoning from "AA" (Agricultural) District to "DE"- 'H' (Low Density Multiple Dwellings - Holding) District (Block "1"), "RT-20"- 'H' (Townhouse - Maisonette - Holding) District (Block "2"), and "B-2"- 'H' (Suburban Residential - Holding) District (Blocks "3" and "4"), to permit the development of the subject lands for a retirement village and residential care facility (Block "1"), townhouses (Block "2"), and single-family detached dwellings (Blocks "3" and "4") for property located on the north side of Rymal Road and east of Garth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit development of the subject lands until municipal sewers are available and the applicant has entered into a subdivision agreement with the City and Region with respect to road dedications, road widenings, daylighting triangles, etc. to the satisfaction of the Commissioner of Transportation and Environmental Services.

Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers serving the subject lands as the City deems necessary, and the applicant entering into a subdivision agreement to the satisfaction of the Commissioner of Transportation and Environmental Services. City Council may remove the 'H' symbol, and thereby give effect to the "DE", "RT-20" and "B-2" District provisions as stipulated in this By-law by the enactment of an amending By-law.

- ii) That Block "1" be rezoned from "AA" (Agricultural) District to "DE"-'H' (Low Density Multiple Dwellings - Holding) District;
- iii) That Block "2" be rezoned from "AA" (Agricultural) District to "RT-20"-'H' (Townhouse - Maisonette - Holding) District;
- iv) That Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "B-2"-'H' (Suburban Residential - Holding) District;
- v) That the "DE" (Low Density Multiple Dwellings) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - a) Notwithstanding Section 10A(1), only the following uses shall be permitted:
 - 1) a retirement village consisting of:
 - a) townhouse dwellings in accordance with Section 10E;
 - b) a residential care facility with a maximum accommodation of 150 residents;
 - c) a recreation centre; and,
 - d) accessory uses of a management office and a service building;

- b) Notwithstanding Section 10A(2) the residential care facility shall not exceed four storeys in height;
 - c) Notwithstanding Section 10A(3), a minimum front yard (Garth Street) of 12.0 m shall be provided;
 - d) Notwithstanding Section 10E(7), the density of the residential development shall not exceed 408 single family dwelling units; and,
 - e) Subsection 10A(6) of By-law No. 6593 shall not apply.
- vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-17D be notated S- ;
 - vii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-17D for presentation to Council;
 - viii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,
 - ix) That the approved Sheldon and Mewburn West Neighbourhood Plan be amended to redesignate all of Block "2" from "St. Elizabeth Retirement Village" to "Attached Housing".

EXPLANATORY NOTE:

1. City Council will adopt Official Plan Amendment No. to redesignate lands from "Open Space" to "Residential" (easterly portion of Block "2"), from "Residential" to "Major Institutional" (southwest corner of Block "1"), and "Major Institutional" to "Residential" (northeast portion of Block "1") to permit the development of the subject lands for a retirement village (Block "1"), townhouses (Block "2"), and single-family dwellings (Blocks "3" and "4") for property located on the north side of Rymal Road, east of Garth Street.

2. The amending By-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O., on the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until municipal sewers are available and a subdivision agreement has been reached to the satisfaction of the Commissioner of Transportation and Environmental Services. Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers as the City deems necessary, the subdivision agreement is entered into by the applicant to the satisfaction of the Commissioner of Transportation and Environmental Services, and the passage of an amending By-law by City Council to remove the 'H' symbol, and thereby give effect to the "DE", "RT-20" and "B-2" District provisions as stipulated in the amending By-law outlined below.

The purpose of the By-law is to provide for changes in zoning from "AA" (Agricultural) District to "DE"- 'H' (Low Density Multiple Dwellings - Holding) District for Block "1", to "RT-20"- 'H' (Townhouse - Maisonette - Holding) District for Block "2", and "B-2"- 'H' (Suburban Residential - Holding) District for Blocks "3" and "4", for property located north of Rymal Road and east of Garth Street, as shown on the attached map marked as APPENDIX "A".

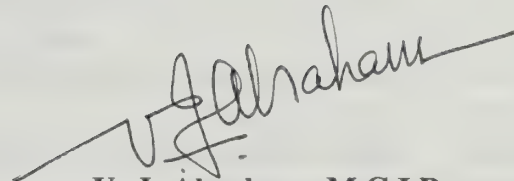
The effect of the by-law is to permit the development of the subject lands for:

- a retirement village comprising 408 townhouse units, a residential care facility for a maximum of 150 residents, a recreation centre, and accessory uses including a management office and service building (Block "1");
- townhouses (Block "2"); and,
- single-family detached dwellings (Blocks "3" and "4").

In addition, the by-law includes the following variances to the "DE" (Low Density Multiple Dwellings) District applicable to Block "1", as special provisions:

- a maximum height of the residential care facility of four storeys, whereas a maximum of three storeys is required;
- a minimum front yard (Garth Street) of 12.0 m, whereas a minimum of 6.0 m is required;
- establish a maximum density of 408 single family dwelling units; and,
- permit the proposed residential care facility within 180.0 m of another such facility.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

This application was originally submitted (March 12, 1991) on the basis of rezoning the subject lands from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District modified, for a retirement village comprising of 468 townhouse units, a residential care facility for 150 residents and, an associated recreation centre. At that time, it was determined that the application was premature pending the finalization of the Sheldon Neighbourhood Plan. City Council approved the Sheldon Neighbourhood Plan on May 25, 1992.

Given the approval of the Neighbourhood Plan, the application was reactivated and the applicant amended the application (see APPENDIX "B") to rezone the subject lands from "AA" (Agricultural) District to:

- "DE" (Low Density Multiple Dwellings) District modified (Block "1");
- "RT-20" (Townhouse-Maisonette) District (Block "2"); and,
- "B-2" (Suburban Residential) District (Block "3" and "4").

The purpose of the application is to permit the development of the subject lands for:

- a retirement village including 408 townhouse units, a residential care facility for 150 residents, a recreation centre, and accessory uses including a management office and service building (Block "1");
- townhouses or maisonettes (Block "2"); and,
- single-family dwellings (Block "3" and "4").

It is understood that the applicant intends to develop Block "1" only for the retirement village. Blocks "2", "3" and "4" are to be sold and developed separately.

APPLICANT:

St. Elizabeth Home Society, owner.

LOT SIZE AND AREA:

The subject lands have:

- a total frontage of 221.5 metres (726.77 feet) on Rymal Road West;
- a frontage of 264.83 metres (868.89 feet) on Garth Street; and,
- a lot area of 28.42 ha (70.22 acres).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Reservoir	"AA" (Agricultural) District
to the east	Vacant	"AA" (Agricultural) District

to the south	Retirement Village	"DE" (Low Density Multiple Dwellings) District modified
to the west	Townhouses, Church, Vacant	"AA" (Agricultural) District, "RT-20" (Townhouse - Maisonette) District modified and "DE-3" (Multiple Dwellings) District modified

OFFICIAL PLAN:

The subject lands are designated "**Residential**", "**Open Space**" and "**Major Institutional**" on Schedule "A" - Land Use Concept of the Official Plan. The following policies apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.9 Council will encourage the design of RESIDENTIAL areas which complement the natural features of the area and utilize energy saving measures such as, but not limited to:
- i) Reduced road lengths;
 - ii) Building orientation;
 - iii) Retention of existing trees and other vegetation;
 - iv) Clustering of units; and,
 - v) Such other matters as Council deems necessary; and which are in keeping with the provisions of Subsection C.8, Energy.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
- ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;
- ii) Alteration of traffic flows;
- iii) Improvement and maintenance of street landscaping;
- viii) Other similar actions or matters as Council may deem appropriate.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
- v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law;
- vii) Encourage development at densities conducive to the operation of Public Transit and which utilizes designs or construction that are energy efficient.

- A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.
- A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL USES, Residential uses may be permitted provided they are compatible with the surrounding area.
- A.2.4.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).
- A.2.4.8 Where land designated OPEN SPACE is under private ownership, it is not intended that this land will necessarily remain so designated indefinitely, nor will this Plan be construed as implying that these areas are free and open to the general public or will be purchased by the Municipality or any other public agency."

The proposal does not fully comply with the intent of the Official Plan. Approval of the application will necessitate an amendment to the Official Plan to redesignate the subject lands from "Open Space" to "Residential" for the easterly portion of Block "2", and from "Residential" to "Major Institutional" for the proposed residential care facility in the south west corner of Block "1". In addition, the northeast portion of Block "1" should be redesignated from "Major Institutional" to "Residential", notwithstanding Policy A.2.6.5 which permits residential uses within areas designated "Major Institutional".

NEIGHBOURHOOD PLAN:

The subject lands are designated **St. Elizabeth Retirement Village** (Blocks "1" and "2") and **Single and Double Residential** (Blocks "3" and "4") in the approved Sheldon and Mewburn West Neighbourhood Plan. If this application is approved, an amendment will be required to redesignate all of Block "2" to **Attached Housing**.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objections.

- The Niagara Peninsula Conservation Authority has the following comments:

"...the south westerly portions of the subject property drain into the headwaters of Twenty Mile Creek and, as such, are within the jurisdictional boundary of this Conservation Authority. The remaining lands, however, drain to the north east and are, therefore, within the boundaries of the Hamilton Region Conservation Authority.

Although the Conservation Authority does not have any overall objection to the above-noted amendment, should this proposal proceed to the site plan preparation stage, the Conservation Authority will be requesting that conditions be placed on this development which would ensure that grading and drainage be designed in accordance with the Southwest Mountain Master Servicing Study, and that the natural watershed division on-site be maintained.

In addition to the above, we also recommend that the Hamilton Region Conservation Authority also be solicited for comments in this regard."

- The Building Department advises:

"B' Zoning District

1. Every lot shall provide a lot width of 20.0m (65.62') and lot area of 1100.0m² (11840.7 square feet).

'DE' Zoning District

1. The area of the land located in the "DE" is required.
2. It appears that some of the buildings have more than eight (8) dwelling units, therefore are considered multiple dwellings.
3. The provisions of Section 10E (RT-20 District) shall apply to the townhouses.
4. The provisions of Section 10A shall apply to all other types of buildings.
5. The proposed residential care facility for the accommodation of one hundred and fifty (150) residents is not permitted. There is an existing residential care facility located within 180.0m and the zoning district permits a maximum of six (6) residents.
6. The elevations and heights of all buildings are required.

7. The capacity of the recreation centre is required to determine the minimum parking requirements.
8. An office is not a permitted use.
9. Detail plans are required to determine compliance with the zoning regulations."

- The Hamilton-Wentworth Roads Department advises:

"There are public watermain available to service these lands. The south-west portion of the property is serviceable for sewers to Garth Street and Rymal Road West. The northerly portion of these lands must await development to the north to be serviceable for sewers.

The designated road allowance width of Rymal Road is 36.0m (118.11 ft). In accordance with this designation specific road allowance widening plans were prepared outlining those lands required for the widening of Rymal Road. According to our records, portions of the road widenings were acquired through Plan No. 149 Misc. and are not shown on the site plans. In any event, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region for road widening purposes to establish the property line 18m from the centreline of Rymal Road as shown on our plans. We suggest that the applicants surveyor contact this office for more details.

The designated road allowance width of Garth Street is 36.58m (120 ft). In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the City of Hamilton for road widening purposes to establish the property line 18.29m (60 ft) from the centreline of the original Garth Street road allowance.

We require that as a condition of development approval that a 12.19m by 12.19m daylight triangle be established from the widened road allowance limits at the northeast corner of Rymal Road and Garth St. This daylight triangle is to be dedicated to Region.

According to our records, Claudette Gate, west of the subject lands and shown as Part 3 on Reference Plan 62R-2312, was established as public highway by By-law 76-88 and registered as Instru. No. 42670 L.T. The plan submitted by the applicant indicated that this road is 20.12m (66 ft) in width whereas it is established as 26.21 (86 ft) road allowance. We therefore recommend that the site plan be revised to establish the

extension of Claudette Gate at 26.21m from the ultimate widened limits of Garth Street to a point 90m easterly and from that point easterly the road can be established at 20.12m.

According to the approved Sheldon Neighbourhood Plan, the road allowance width of the City Street to Rymal Road is designated at 26.0m with 12m by 12m daylight triangles at its intersection with Rymal Road and the site plan must be revised accordingly.

The City Street on the northside of Rymal Road is to align centreline to centreline with the existing driveway to the Sister Elizabeth Village on the southside of Rymal Road. We will require that survey documentation be provided to this office to ensure that this alignment is correct since there appears to be some discrepancies between our plans and plan submitted by the applicant.

Comments from the City of Hamilton Traffic Department with respect to on-site circulation, designation of the main entrance areas, traffic signalization, bus routes etc. should be considered. As the applicant is aware, the Ontario Municipal Board Ruling regarding the southern site stated that no left hand turns will be permitted entering or exiting the southern village until the intersection is signalized.

We recommend that the subject lands be developed through site plan control or subdivision agreements with the City and Region to ensure that establishing the designated internal streets, road widenings and servicing requirements etc. are contained in the development approval."

- The Traffic Department advises:

"The proposed zoning change from "AA" - Agricultural to "RT-20" - Townhouse - Maisonette, north of the proposed Claudette Gate, is satisfactory as is the proposed "B" zoning.

In regards to the proposed "DE" modified zoning, while we are generally in agreement with the concept, in the event that your Department is considering the inclusion of variances to the by-law requirements at this time, we would like to opportunity of reviewing these variances prior to the finalization of any reports. Our concerns with respect to site plan include the following.

It is our understanding that the applicants anticipate the eventual signalization of the intersection at Rymal Road and the City roadway east of Garth Street. This location would align with the St. Elizabeth Village access south of Rymal Road. As stated in our letter dated 1991 May 23, it is unlikely that either of the St. Elizabeth developments will generate sufficient traffic volumes to warrant a signal installation at this intersection.

The intersection of the proposed City streets with Trillium Path and the driveway access to the recreation centre is unacceptable. This is an off-set intersection, the design of which may lead to motorist confusion regarding right-of-way control. We recommend that if this access is to remain, it must be redesigned to clearly delineate the change from City roadway to private access. At the site plan stage, we will be recommending a redesign in this area to include a standard drop curb type approach as opposed to the street type access illustrated on the plans.

We suggest that the applicant consider supplying some convenient pedestrian pathways and access to the proposed park and mall to the east of the village so that the residents do not have to walk along Rymal Road which is a busy arterial roadway."

COMMENTS:

1. The proposal does not fully comply with the intent of the Official Plan. Approval of the application will require an amendment to redesignate the subject lands from "Open Space" to "Residential" for part of Block "2", and from "Residential" to "Major Institutional" for the proposed residential care facility in Block "1". Although not required, a portion of Block "1" should be redesignated from "Major Institutional" to "Residential" to reflect the proposed uses.
2. The proposal complies with the intent of the approved Sheldon and Mewburn West Neighbourhood Plan, except that approval of the application will necessitate an amendment to redesignate all of Block "2" from "St. Elizabeth's Retirement Village" to "Attached Housing".
3. The proposal has merit and can be supported for the following reasons:
 - it implements with the intent of the approved Neighbourhood Plan;
 - it provides an alternative form of housing accommodation for the elderly in a planned environment which, to date, has been of high calibre and a benefit to the City;
 - it represents low density residential development. In this regard, it is proposed to develop 408 townhouse units on 22.27 ha (55 acres) for the retirement village (Block "1"), which results in a density of 18.3 units per hectare (7.4 units per acre). This density is equivalent to single-family residential development;
 - the proposed retirement village would be compatible with the existing development south of Rymal Road and existing and planned development to the south and east; and,

- the proposed "RT-20" ((Townhouse - Maisonette) District and "B-2" (Suburban Residential) District would be compatible with existing and planned development of adjacent lands.
4. The Hamilton-Wentworth Roads Department notes that the northerly two-thirds of the subject lands must await development to the north to be serviceable for sewers. Timing for such sewers is undetermined at this time. In this regard, it would be appropriate that the lands be subject to Section 36(1) of the Planning Act, R.S.O., whereby Council may, in a By-law, use a holding symbol "H" in conjunction with any Zoning District and specify the use to which lands, building, or structures may be put at such time in the future as the holding symbol is removed by an amendment to the By-law.
 5. The Hamilton-Wentworth Roads Department notes dedications for road widenings will be required for Garth Street and Rymal Road. Daylighting triangles are required for the northeast corner of Garth Street and Rymal Road and the intersection of the proposed City road at Rymal Road. Specific road dedications are required for the proposed City road on the north side of Rymal Road, as well as Claudette Gate. With respect to this latter road, it is understood that a land exchange is to take place between the City and the Board of Education for approximately 5.88 ha (14.55 acres) at the proposed easterly terminus of Claudette Gate. As part of this land exchange, as approved by City Council January 12, 1993, it was agreed that the extension of Claudette Gate would be a condition of approval of the development of the subject lands north and south of Claudette Gate. In this regard, it is appropriate the applicant enter into a subdivision agreement with the City and Region to the satisfaction of the Commissioner of Transportation and Environmental Services, to ensure that this dedication, as well as other requirements (noted above) are met. This condition should also be included as a requirement for the 'H' holding by-law
 6. Development of Blocks "1" and "2" would be subject to Site Plan Control. In this regard, the applicant would be required to submit site plans for the approval of the Planning and Development Committee prior to the issuance of building permits. Matters related to on-site circulation, drainage, pedestrian linkages, etc., would be dealt with at the site plan approval stage.

CONCLUSION:

On the basis of the foregoing, the amended application can be supported.

CF/
ZA9117

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, and Alderman D. Drury, Chairperson, Planning and Development Committee - 1993 January 13".

Seq. # 00127

ZA 91-17

JAN 08 1993

120 CHRISTOPHER DRIVE.

HAMILTON, ONTARIO. L9B 1G8

TEL # 383-1223.

RECEIVED

JAN 08 1993 JANUARY 3-1993.

The City of Hamilton.

CITY CLERKS

My wife and I recently purchased our present dwelling at considerable cost which represented years of hard work and saving in purchase a home in such a lovely area and among properties of the same value. We pay high taxes, however, except this as the area is so lovely and unspoiled. We therefore are very much opposed to any changes that would undermine the value of our property and spoil the area as it is at present. I might add that the only reason for selling our previous home of twenty nine years was due to low rental family row housing near by, at Millwood Place and Bobolink Road.

In my present position I have first hand knowledge as to what the present proposals will do to this area. We therefore trust that in your infinite wisdom decline all changes proposed by the over of St. Elizabeths Home Society.

Yours truly
John R. Rennie.
Bonnie Jean Rennie

1455 Garth St. Unit 18
Hamilton, Ont. L9B 1T4
Jan. 11/93.

9.(b)

Dear Sirs;

With regard to the projected changes in zoning of the properties as attached and specifically in regard to Block 2 , we would have the following areas of concern as residents of the current 1455 Garth St. Townhouse-Condo Complex, known as Wentworth 40.

- (1) Is this block for townhouse/maisonette development also owned by the St. Elizabeth Home Organization ?
- (2) What is the situation re services - ie will the area be hooked up to "our" existing service, and if so, is that practical and can the existing service "handle" this addition.
- (3) What is planned for the traffic pattern in the new complex - where will the ingress and egress be - this is not indicated in the plan.
- (4) Will there be any additional fencing to be installed between the two complexes?
- (5) What kind of lighting and security is planned for the new complex?
- (6) Does the City of Hamilton now own some of the area to the east of 1455 Garth St. - between the Townhouses back fences and the worked field to the east of the fences?
- (7) Is there any provision for City owned Greenspace between the two complexes? The diagram with the zoning change request seems to indicate this new complex will be right up against our current rear yard space.

We must believe that such a close-fitting complex at the back of 1455 will have a serious negative effect on our property values.

We would appreciate having an answer to the above questions in our hands in time for the proposed meeting at City Hall at 10 AM on January 20th.

Thank you,

RECEIVED

JAN 13 1993

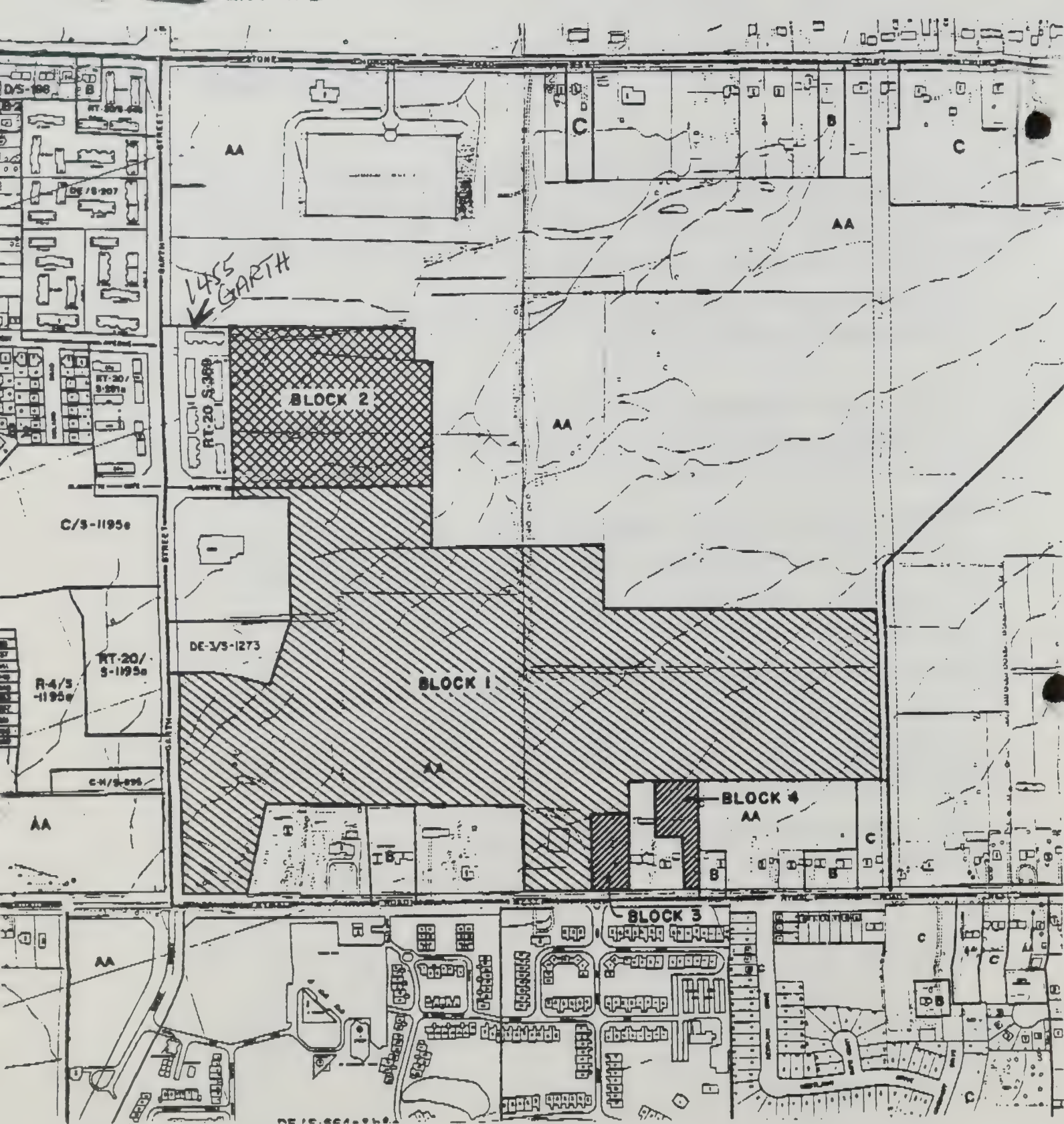
Mr. and Mrs. J. E. Kelly.

J. E. Kelly

CITY CLERKS




Theresa M. Kelly

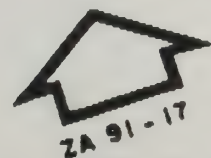
"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, and Alderman D. Drury, Chairperson, Planning and Development Committee -1993 January 13".



Legend

Proposed change in zoning from:

- BLOCK 1  "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified..
- BLOCK 2  "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District.
- BLOCKS 3 & 4  "AA" (Agricultural) District to "B-2" (Suburban Residential) District.



"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1993 January 15"

9c)

RECEIVED

JAN 15 1993

TransCanada PipeLines

TRANSCANADA PIPELINES TOWER, 111 - FIFTH AVENUE S.W.
P.O. BOX 1000, STATION M, CALGARY, ALBERTA T2P 4K5

(403) 267-6100

CITY CLERKS

January 11, 1993

Secretary
Planning and Development Committee
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

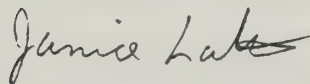
**Re: Zoning By-Law Amendment, File #ZA-91-17
Lot 17 & 18, Concession 2,
the Corporation of the Township of Hamilton**

On December 30, 1992, we received your Notice dated December 24, 1992 requesting our comments on the above zoning by-law amendment.

This zoning by-law amendment pertains to land which is located over 200 metres away from the pipeline, therefore we have no objections or comments with regards to this amendment.

Thank you for keeping us informed of development near our pipeline facilities.

Yours truly,



Janice Lattin
Technician 1
Right-of-Way Department

/JL

CITY OF HAMILTON

10.

- RECOMMENDATION -

DATE: January 14, 1993
ZA-92-07
Eastmount Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SECOND REPORT

SUBJECT: Request for a change in Zoning - No. 625 and 635
Concession Street.

RECOMMENDATION:

That approval be given to amended Zoning Application 92-07, St. Stephen-On-The-Mount Anglican Church, owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified for Blocks "1" and "2", to permit the development of the subject lands for an eight (8) storey, 41 unit multiple dwelling and parish hall addition to the existing church, for the property located at 625 and 635 Concession Street, shown as Block "1" and Block "2" on the attached map marked as APPENDIX "A", on the following basis:

- i) That Blocks "1" and "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to the multiple dwelling and parish hall for Block "1", be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 11(2)(ii) of Zoning By-law No. 6593, no building or structure shall exceed eight (8) storeys or 30.0 m in height;
 - b) That Section 11(3)(i)(b) of Zoning By-law No. 6593 shall not apply, except a minimum front yard depth of 1.0 m shall be provided and maintained along the portion of the southerly lot line within 18.0 m of the easterly lot line;
 - c) That Section 11(3)(ii)(b) of Zoning By-law No. 6593 shall not apply to the westerly lot line;
 - d) That notwithstanding Section 11(3)(ii)(b) of Zoning By-law No. 6593, a minimum side yard width of 3.0 m shall be provided and maintained along the easterly lot line;

- e) That Section 11(3)(iii)(b) of Zoning By-law No. 6593 shall not apply, except a minimum rear yard depth of 10.0 m shall be provided and maintained for any portion of the building above the first storey;
 - f) That notwithstanding Section 11(5) of Zoning By-law No. 6593, no building or structure shall exceed a maximum gross floor area of 3893.0 m² and forty-one (41) dwelling units;
 - g) That notwithstanding Section 18A(1) of Zoning By-law No. 6593, not less than fourteen (14) parking spaces shall be provided and maintained;
 - h) That notwithstanding Section 18A(1)(c) of Zoning By-law No. 6593, one (1) loading space having minimum dimensions of 3.7 m in width, 9.0 m in length, and 4.3 m in height shall be provided and maintained;
 - i) That Section 18A(25) of Zoning By-law No. 6593 shall not apply;
 - j) That a minimum landscaped area of 150.0 m² shall be provided and maintained at grade;
 - k) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the northerly lot line;
- iii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
- a) That notwithstanding Section 11(1) of Zoning By-law No. 6593, only the church use shall be permitted within the existing building on the date of passing of this by-law;
 - b) That Section 11(3) of Zoning By-law No. 6593 shall not apply;
 - c) That a roofed-over or otherwise unenclosed one-storey porch may be erected to the south-east corner of the existing church;
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-24 be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-24 for presentation to City Council;
- vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified for Blocks "1" and "2", for the property located at 625 and 635 Concession Street, shown as Blocks "1" and "2" on the attached map.

The effect of the by-law is to permit the development of Block "1" for an eight (8) storey, forty-one (41) unit, multiple dwelling and parish hall addition to the existing church.

In addition, the By-law provides for the following variances as special requirements associated with the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for Block "1" (Multiple Dwelling and Parish Hall):

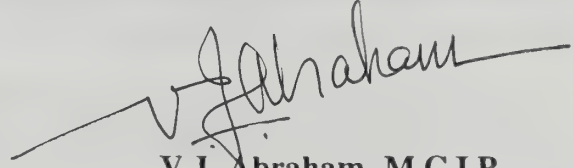
- Restricts the building to a maximum gross floor area of 3893.0 m², forty-one (41) dwelling units, eight (8) storeys and 30.0 m in height;
- Eliminates the front yard requirement on Concession Street whereas 7.5 m is required, except for a minimum front yard depth of at least 1.0 m within 18.0 m of the easterly lot line (Poplar Avenue);
- Requires a minimum easterly side yard setback of 3.0 m from Poplar Avenue whereas 9.65 m is required;
- Eliminates the rear yard depth for the first floor whereas 13.5 m is required, but requires a minimum rear yard depth of 10.0 m for any portion of the building above the first storey;
- Permits a minimum of fourteen (14) parking spaces whereas fifty-two (52) parking spaces are required;
- Requires one (1) loading space having minimum dimensions of 3.7 m x 9.0 m x 4.3 m whereas one (1) at 3.7 m x 18.0 m x 4.3 m is required;
- Permits the boundary of the access driveway to abut the northerly lot line whereas a minimum 3.0 m distance separation is required;
- Requires a minimum landscaped area of 150.0 m² at grade;
- Requires a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the northerly lot line.

The By-law also provides for the following variances to the "E" (Multiple Dwelling, Lodges, Clubs, etc.) District for (Block "2"):

- Permits only the church use within the existing building on the date of passing of this by-law;
- Recognizes the established yard setbacks for the existing church;
- Permits the erection of a roofed-over or otherwise unenclosed one-storey porch to the south-east corner of the existing church.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The application as amended is for an eight (8) storey multiple dwelling, containing forty-one (41) dwelling units (i.e., 28 units for the physically disabled and 13 units for seniors), and a parish hall(located on the first floor) which will be physically connected to the existing church (see Appendices "B" and "C"). The existing parish hall will be demolished.

- Planning and Development Committee

At its meeting of December 2, 1992, the Planning and Development Committee tabled the application until the second meeting of January 1993 for the Ward Alderman to meet with neighbourhood residents to attempt to address their concerns.

In this regard, a meeting was held on January 13, 1993 at which time area residents expressed concerns respecting parking; privacy; shadow casting; height, bulk and scale of development; etc. Following discussion the area residents concerns were not fully resolved, especially with respect to parking.

LOT SIZE AND AREA:

- 76.20 m (250.0 ft.) of lot frontage on Concession Street;
- 30.65 m (100.55 ft.) of lot frontage on Poplar Avenue; and,
- 2 290.0 m² (24,650.16 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Church and Parish Hall	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	Residential	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the south	Commercial and Residential	"H" (Community Shopping and Commercial, etc.) District, and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east	Parking Garage and Hospital	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	Commercial	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Major Institutional** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

However, such uses less than .4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1.

- A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL USES, Residential uses may be permitted provided they are compatible with the surrounding area.

A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
- ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

Further, the proposal is situated within Special Policy Area 1; the following policies of Subsection A.2.9.1 - Niagara Escarpment should be noted:

"A.2.9.1.1 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" into Areas '1a' and '1b', for which the following provisions will apply:

- ii) It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development, as defined in Schedule "A" for this Area, will be at a density, scale and height which is compatible with the ESCARPMENT.

A.2.9.1.4 Council will not support non-essential developments which will detract from the unique visual and scenic qualities of the brow face or base of the ESCARPMENT or lands in the immediate vicinity."

In addition, policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;
- ii) Alteration of traffic flows;
- iii) Improvement and maintenance of street landscaping;

- vi) Investigation into, and application of, other methods of encouraging the maintenance and improvements of buildings in RESIDENTIAL areas;
- viii) Other similar actions or matters as Council may deem appropriate.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- i) Encourage the maintenance of RESIDENTIAL properties subject to the provisions of Subsection C.5;
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
- iv) Encourage the responsible public agencies to provide low-cost and/or senior citizen housing at appropriate locations throughout the City;
- v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law;
- vii) Encourage development at densities conducive to the operation of Public Transit and which utilizes designs or construction that are energy efficient."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved plan for the Eastmount Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following agencies have reviewed the proposal and have no objection:
 - Hamilton Region Conservation Authority;
 - Niagara Escarpment Commission;
 - Ministry of Housing; and,
 - Union Gas.

The Roads Department has advised that:

"There are public watermain and separate storm and sanitary sewers available to service lands.

The existing and designated road allowance width of Concession Street is 20.12 m. The existing road allowance widths of Viewpoint Avenue and Poplar Avenue is 15.24 m. This is the minimum for City of Hamilton streets. In order to maintain proper turning radii, we recommend that as a condition of development approval that 3 m x 3 m daylight triangles be dedicated to the Region at the corners of Concession Street and Viewpoint Avenue and Concession Street and Poplar Avenue.

Any works which may occur within the adjacent road allowances or daylight triangles, as widened, must conform to the respective Streets By-laws. Encroachments of structures, underground parking garage, tie backs etc. into the road allowance are not permitted. We understand that the owner is submitting a set of revised site plans for our review and approval.

The Traffic Department is to comment on access and access design. The grade of the ramp in the road allowance is not to exceed 2% and then 5% for the first 7.5 m on private property. We recommend that the subject lands be subject to site plan control at which time we will submit more detailed comments on grading, sight lines, landscaping etc. We will require certain setbacks of structures etc. from the road allowance to ensure that our requirements for motorists sight lines etc. and they will be specified on the revised plans."

Subsequently, the Roads Department submitted the following additional comments:

"We have reviewed the preliminary site plans delivered to our Office on November 4, 1992 and submit the following comments:

1. All our previous comments in our letter dated June 2, 1992 are still applicable and it appears that they have not been addressed in this site plan.
2. The underground parking garage plans and the site plans are to be revised and all structures relocated outside of the 3 m by 3 m daylight triangle at the intersection of Poplar Avenue and Concession Street. These 3 m by 3 m daylight triangles at this intersection and the intersection of Concession Street and Viewpoint Avenue are to be shown on the site, grading, landscaping plans etc.
3. According to the letter submitted, it appears that a front yard of 0.00 m is requested. The plans submitted by the applicant do not dimension the setbacks but the structure appears to be set back 1.0 m from the Concession Street road allowance especially at the east side. It is desirable that the structures be set back 1.0 m from the Concession Street road allowance to ensure adequate motorist sight visibility at the adjacent intersections. It is our request that the applicant review the plans to determine the impact of this 1.0 m setback and that this setback be incorporated into the zoning by-law.

4. The grade of the access within the road allowance should not exceed 2 per cent and the grade of the driveway ramp on private property should not exceed 5 per cent for the first 7.5 m and 10 per cent thereafter. Comments on this matter from the City of Hamilton Traffic Department should be considered regarding these matters, on site manoeuvring and loading etc.
5. In the absence of any details shown, we advise that any works which may occur within the adjacent road allowances, as widened, must conform to the respective Streets By-laws.
6. We require 5 m by 5 m daylight triangles between the access and the property line in which the maximum height of objects, mature vegetation etc. is not to exceed a height of 0.60 m above the corresponding perpendicular centreline elevations of the adjacent streets."

- The Traffic Department has verbally advised that they support the intent of the proposed rezoning and the reduction in parking from fifty-two (52) required parking spaces to fourteen (14) parking spaces provided on site, and the reduction in loading space length from 18.0 m minimum to 9.0 m minimum.
- The Building Department has advised:

"Further to your memo and revised plans received October 30, 1992, for the proposed zoning change to a "E" modified for Blocks "1" and "2", the comments are as follows:

1. NOTE: * denotes - "does not comply"

A. Height	8 storeys, 26.0 m *max.
B. Gross Floor Area	3893 m ² (2290 x 1.7) *max.
C. Landscaped Area	572.5 m ² (2290 x 25%) *min.
D. Parking Spaces	52 spaces *min.
E. Loading Space	1 - 3.7 m x 18 m x 4.3 m *min.
F. Yards:	
Front-Concession St.(south)	7.50 m *min./max.
Side-Poplar St.(east)	9.65 m *min.
Side-Viewpoint St.(west)	9.65 m *min.
Rear-(north)	13.50 m *min./max.

With respects to above noted requirements the comments are as follows:

- A. The proposed height of 30.0 m is over the maximum permitted.
- B. If the total lot area of both Blocks are being used to determine the maximum permitted gross floor area then the total gross floor area of the existing building (church), the proposed church hall and the proposed multiple dwelling shall be included in the proposed total gross floor area.

- C. If all the lands in the proposed "E" zoning district are being considered in determining the maximum gross floor area then the same lot area is used in determining the minimum required landscaped area. The definition of Landscaped Area does not permit any portion of the minimum landscaped area to be located on the roof.
- D. The proposed fourteen (14) parking spaces are insufficient. (15th parking space or Mechanical Room?) Note: all minimum dimensions of the parking area and access driveway shall be measured from wall face.
- E. The proposed loading space is insufficient in size.
- F. The min./max. yards are determined by the overall length, width and height of the proposed church hall, multiple dwelling and existing church building.

The side yards include an amount which is one half of the difference of the street width of Poplar St. and Viewpoint St. and the minimum required 20.0 m street width. $(20.0 \text{ m} - 15.2 \text{ m} \times 1/2 = 2.4 \text{ m})$

The min./max. yards shall be measured from the lot line to the wall of the building which is the closes.

The existing church does not provide the new established rear yard or side yard.

- 2. The proposed roofed over porch to the existing church and the proposed building may project into the required front yard provided that it is at least 4.5 m from the front lot line, but is not permitted to project into a required side yard. The construction of the roofed over porch shall conform to the requirements of Section 18.(3)(vi)(d) of By-law 6593.
- 3. The access driveway must be at least 3.0 m from the boundary line of the residential district to the north. [Section 18A(25)]"

COMMENTS:

- 1) The proposal does not conflict with the intent of the Official Plan.
- 2) The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan to provide low-cost and/or senior citizen housing at appropriate locations throughout the City;
 - ii) it is an infill housing project which will contribute to a desirable housing mix within close proximity to shopping facilities, public transit, medical facilities, and other amenities;

- iii) it will increase the supply of affordable housing for special needs groups, by providing 28 units for the physically disabled and 13 units for seniors (see Appendix "B");
 - iv) the proposed development will integrate and be sensitive to the adjoining residential development in terms of height, bulk, and arrangement.
- 3) Based upon a preliminary site plan (see Appendix "C"), the Building Department has advised that approval of the application would require the following variances:

Block "1" (Multiple Dwelling And Parish Hall)

- Density and Height

The multiple dwelling will be restricted to a maximum gross floor area of 3893.0 m², forty-one (41) dwelling units, and eight (8) storeys or 30.0 m in height. As noted by the Building Department the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District permits a maximum gross floor area of 1.7 x the lot area. Both Blocks "1" and "2" will be zoned "E" - District, with a restriction that only the existing church use within the existing building on the date of passage of this by-law, except for a roofed-over or otherwise unenclosed one-storey porch along the southerly lot line, will be permitted on Block "2". It is therefore feasible to permit the maximum allowable gross floor area on Block "1", (i.e., lot area of Blocks "1" and "2" x 1.7 = 3893.3 m²).

The maximum height of the proposed building will be 30.0 m whereas the by-law permits a maximum height of 26.0 m. The slight increase is necessary since a peaked roof has been proposed which is not typical of most multiple dwellings (i.e., typically flat roofed). Furthermore, the proposed building will not exceed the permitted eight (8) storeys in height. Thus, the variance is considered to be minor in nature and can be supported.

- Landscape Area

The preliminary Site Plan suggests that a minimum 150.0 m² of landscape area will be achieved on Block "1" (i.e., Multiple Dwelling and Parish Hall), it is reasonable to request that this amount be provided as a special requirement on Block "1" in addition to the landscaped open space maintained on Block "2" (i.e., Existing Church).

- Yards

A front yard setback of 1.0 m will be provided along the southerly lot line (i.e., Concession Street) within 18.0 m of the easterly lot line (i.e., Poplar Avenue) whereas a 7.5 m depth is required along the entire southerly lot line. This would pull the bulk of the building closer to the southerly lot line along Concession Street, further away from the single-family residential district to the north, place the building in line with the front yard setback of the adjacent hospital - cancer clinic facility and parking garage, and would address the Roads Department's concern related to adequate motorist sight visibility at the corner of Concession Street and Poplar Avenue. Ultimately, the proposed front yard setbacks facilitate a building arrangement that integrates with the surrounding built environment.

The northerly rear yard setback will be eliminated for the first floor of the proposed apartment building and a 10.0 m minimum setback will be required for any portion of the building above the first storey whereas 13.5 m is required. Only a portion of the first floor (i.e., proposed parish hall) will abut this property line whereas the entire north wall of the existing parish hall currently infringes upon northerly property line. Therefore the proposed setback for the first floor is no less feasible than the existing setback situation.

The easterly side yard setback will be 3.0 m minimum whereas 9.65 m is required. This will facilitate a building arrangement that integrates with the surrounding built environment and allows the built form to address the street.

Furthermore, the above-mentioned required yards are determined by the overall length, width, and height of the proposed multiple dwelling and existing church building. If only the proposed building was considered the yard requirements would not be as great.

The above-mentioned variances are considered to be minor in nature and can be supported.

• **Parking and Loading**

Fourteen (14) parking spaces will be provided on site whereas the by-law requires fifty-two (52) parking spaces (1.25 spaces x 42 units). The applicant has suggested the following parking calculations which are geared towards their specific user groups (see Appendix "B"):

	<u># of Units</u>	<u>Rate</u>	<u>Spaces Proposed</u>
- one (1) & two (2) bedroom unit (physically disabled) -	28	.25	7
- one (1) & two (2) bedroom unit (seniors apartment) -	<u>13</u>	.35	<u>5</u>
- Total -	41		12

Thus, based upon the specific user groups the applicant suggests that twelve (12) parking spaces would be sufficient. However, to ensure that adequate parking is available they will provide **fourteen (14)** parking spaces on the lot.

The applicant has also provided statistics, for other similar projects within the City of Hamilton (see Appendix "B"), which suggest that when parking has been provided at the rate required as per the Zoning By-law, it is usually under utilized.

The Traffic Department has reviewed the proposed parking calculations and has found them to be satisfactory.

Therefore, given the nature of the project (i.e., 68 % of the units geared towards the physically disabled and 32 % of the units for seniors), the reduction in parking is supportable.

- One (1) loading space having minimum dimensions of 3.7 m x 9.0 m x 4.3 m will be provided whereas one (1) loading space having minimum dimensions of 3.7 m x 18.0 m x 4.3 m is required. The Traffic Department has advised that the reduced length of the loading space is satisfactory.
- The boundary of the access driveway will be 0.0 m from the northerly property line whereas a minimum 3.0 m distance separation is required. This variance is necessary to provide a two-way access to the proposed underground parking garage, and ultimately will create a greater distance separation between the proposed building and the adjacent single-family residence. However, it should be noted that a 1.8 m to 2.0 m visual barrier (i.e., wood fence) will be required along the northerly lot line abutting the residential district to mitigate any 'spill over effects.

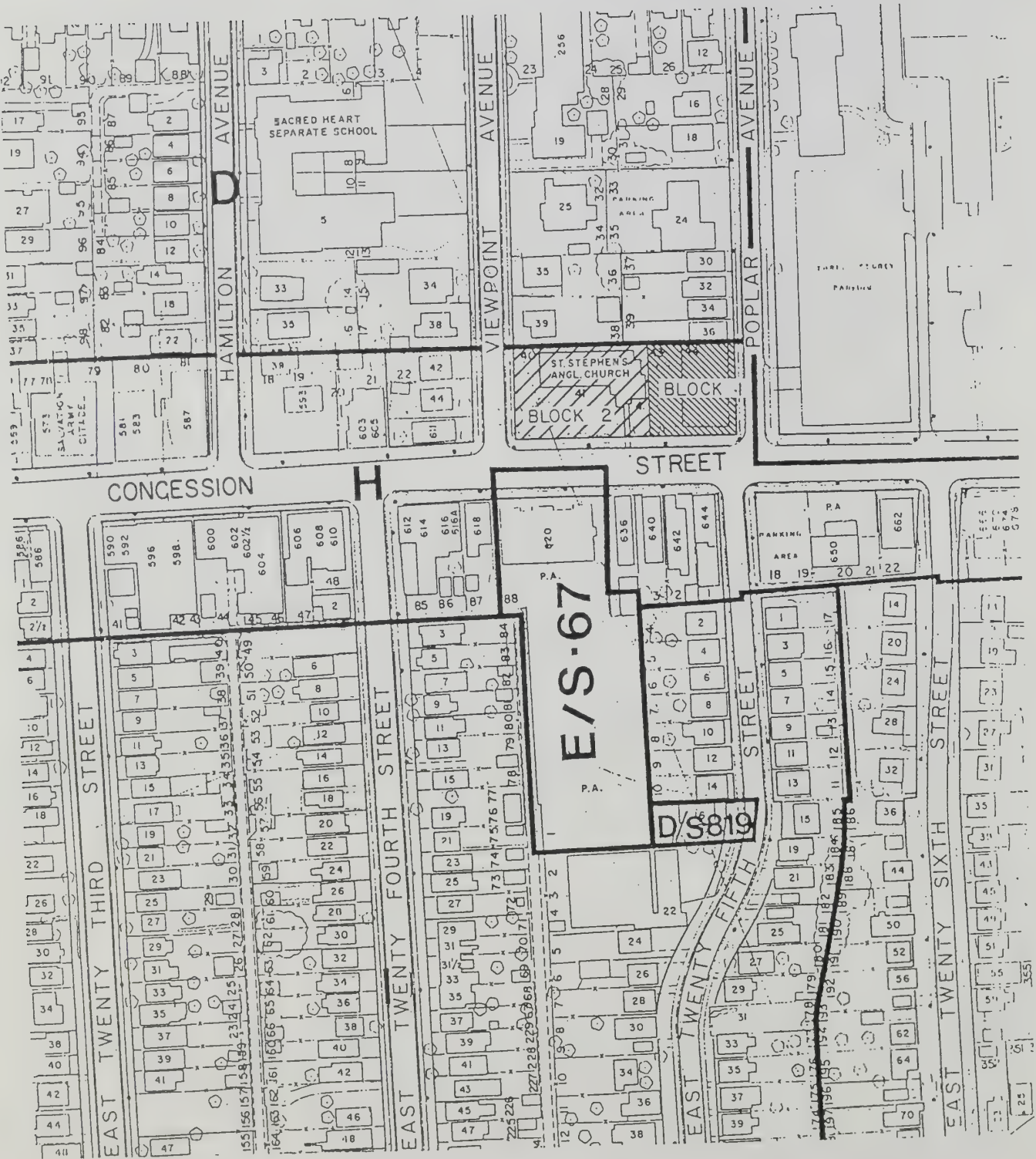
Block "2" (Existing Church)

- In lieu of being able to utilize both Blocks "1" and "2" to calculate the maximum allowable gross floor area on Block "1", the applicant proposes to modify the "E" (Multiple Dwelling, Lodges, Clubs, etc.) District for Block "2" to only permit the existing church use within the existing building on the date of passage of by-law, except for a roofed-over or otherwise unenclosed one-storey porch along the southerly lot line. Furthermore, a variance to recognize the established yard setbacks for the existing church would be required.
- 4) The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District is subject to Site Plan Control By-law 79-275 as amended by By-law No. 87-233. In this regard, any outstanding matters from the Roads and Traffic Departments (i.e., daylight triangle dedication, parking garage and access design, etc.) and matters related to building design, orientation, and landscaping will be addressed at that stage of development.

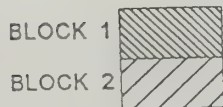
CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/
WPZA9207



Legend



Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.



Amended
APPENDIX A

INFORMATION ON PARKING
ST. STEPHEN ON THE MOUNT
OCCUPANT DESCRIPTION

NOVEMBER 9, 1992

Group	Units	
Christian Horizons	1	2 Bed H.C.
Rygel Home	10	1 Bed H.C.
	3	2 Bed H.C.
Brain Injury	4	1 Bed H.C.
	2	1 Bed
Hearing Impaired	4	1 Bed
CNIB	4	1 Bed
Seniors	10	1 Bed
	3	2 Bed
	41	

Parking requirements based on Artaban, Hope, Vila Verdi, McClure Crofts, and First Place.

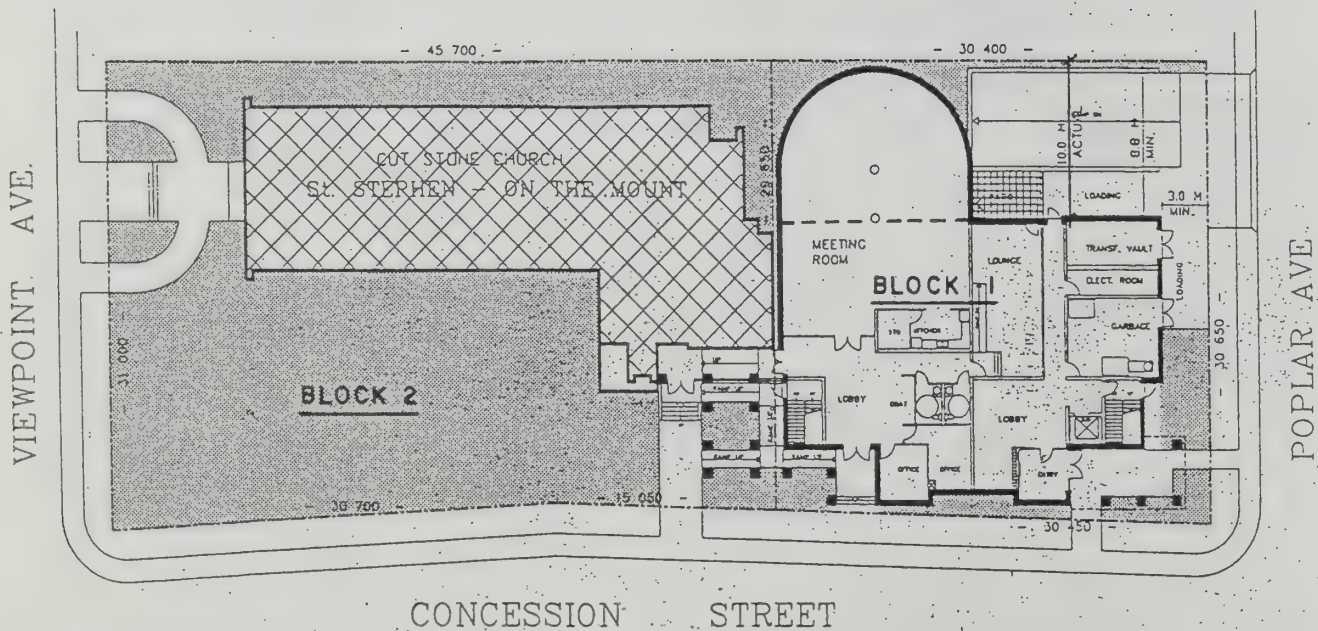
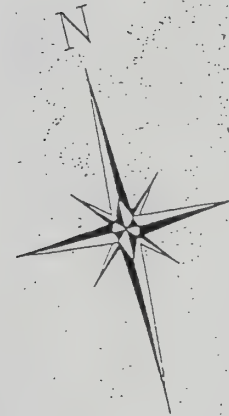
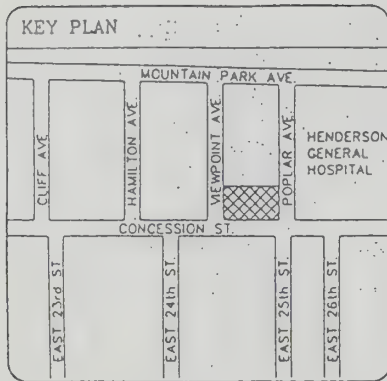
Required	H.C. & Special Needs	28 @ .25	=	7
	Seniors	13 @ .35	=	5

12 spaces

Provided 14 spaces

INFORMATION ON PARKING

	# of apts.	# of spots	# used
FIRST PLACE HAMILTON, SENIORS' (UNDERGROUND)	450	230	47
HOPE (HANDICAPPED SPECIAL USE) (ABOVE GROUND)	57	29	14
VILA SANTA MARIA (FAMILY - MIXED USE) (ABOVE GROUND)	55	76	45
ITCA II. (FAMILY - MIXED USE) (ABOVE GROUND)	54	55	40
MC CLURE - SENIORS, SINGLES, FAMILY158 (UNDERGROUND & ABOVE GROUND)		108	25
		31 for visitors	APPENDIX B



SITE PLAN

SCALE 1:200

SITE DEVELOPMENT DETAILS	BLOCK 1 & 2 (TOTAL SITE)	BLOCK 2 (CHURCH SITE)	BLOCK 1 (APARTMENT SITE)
NET LOT AREA	2290 M ²	1370 M ²	920 M ²
BUILDING COVERAGE	1014 M ²	434 M ²	580 M ²
GROSS FLOOR AREA - RESIDENTIAL	3300 M ²		3300 M ²
GROSS FLOOR AREA - CHURCH RELATED	824 M ²	434 M ²	390 M ²
BUILDING HEIGHT	8 STOREYS 30.0 M	EXIST.	8 STOREYS 30.0 M
No. OF UNITS	41	0	41
PARKING	14	0	14
PAVED AREA	190 M ²	0 M ²	190 M ²
LANDSCAPED AREA	1086 M ² (47%)	936 M ² (68%)	150 M ² (16%)

January 13, 1992.

10.(a)

The Secretary
The Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario.
L8N 3T4

RECEIVED

JAN 14 1993

Re: File # ZA-92-07

Application by St. Stephen-on-the-Mount Anglican Church

CITY CLERKS

Dear Sirs:


As your records show my wife and I are the landowners of 34 Poplar Ave. We had attended the meeting of the Planning and Development Committee on December 2, 1992, at which time the application for rezoning was tabled until January 20, 1993. I had voiced my objection to this rezoning application at that meeting.

Subsequently a meeting was called and held at City Hall on January 13, 1993. I again had voiced my objections as effectively there has been no revisions or compromises made to the proposed development.

Through this letter I would like to reiterate my objections to this rezoning application. I have many reasons for my objection, not the least of which is the lack of parking spaces (14 spaces provided vs 41 required) as well as the shadow cast by the proposed building at given times of the year.

I would request that this brief letter and thereby my continued objection to this rezoning application be registered with the Planning and Development Committee.

Sincerely



Robert Ellis
34 Poplar Ave.
Hamilton, Ontario
L8V 2S6

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1993 January 15"

URBAN/MUNICIPAL
CA4 ON HBL AOS
CSIP4
1993



Urban Municipal
Collection
2nd Floor
Hamilton Public Library

1993 January 27

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 February 3
9:30 o'clock a.m.
Room 233, City Hall

A handwritten signature in dark ink, appearing to read "Tina Agnello".

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

1. **CONSENT AGENDA**

2. **REFERRAL BACK FROM COUNCIL**

Objection to By-law 92-281 Re: Housing Intensification Strategy

3. **SENIOR DIRECTOR, ROADS DEPARTMENT AND BUILDING COMMISSIONER**

Lot Grading Control with respect to Land Severance Applications Creating One, Two and Three Lots

4. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

Zoning Application 92-49, Primecan Holdings Inc., owner, for removal of the "H" (Holding) symbol, for lands located on the west side of Upper Wellington Street, south of Limeridge Road East; Jerome Neighbourhood

10:30 O'CLOCK A.M.

PUBLIC MEETINGS

5. City Initiative 92-C, for changes in zoning from "AA" District to "C" District for Block "1" and to "R-4" District for Block "2", for lands located at the rear of No. 240 Rymal Road East; Allison Neighbourhood

(a) Submission: Janice Lattin, TransCanada Pipelines, Calgary, Alberta

6. Subdivision Application 25T-91014 and Zoning Application 92-23, 200 Rymal Road Inc. (Anthony DiSilvestro), owner, for changes in zoning from "AA" District to "B-2" District for Block "1", to "C" District for Block "2" and to "R-4" District for Block "3", for lands located on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street; Allison Neighbourhood

(a) Submission: Janice Lattin, TransCanada Pipelines, Calgary, Alberta

7. City Initiative 92-H, for a modification to the "D" District regulations, for property located at No. 96 Mary Street (Beasley Park); Beasley Neighbourhood

(a) Submission: Stella Fittante, 136 Cannon Street East, Hamilton L8L 2A5

8. **OTHER BUSINESS**

9. **ADJOURNMENT**

OUTSTANDING LIST
PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Mobile Signs		Planning	Report Pending
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 January 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
Grading Requirements	1992 February 19	Roads Department	Report Pending

<u>ITEM.</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
11-13 Holmes Avenue 19th Century Log Home	1992 June 24	Planning	Report pending
ZA-91-12 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
ZA-92-03 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
ZA-92-19 412 Charlton Avenue West	1992 September 23	Traffic	Tabled for review of traffic conditions
ZA-92-08 1907 King Street East	1992 September 23	Applicant Faith Evangelical Lutheran Church	Tabled to resolve neighbours concerns
Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
Lot Grading with respect to Land Severances Creating One, Two or Three Lots	1993 January 6	Roads and Building Departments	Report requested by 1993 February 3
Development of Lands at South-west Intersection of Rice Avenue and Chedmac Drive - Formerly Presbyterian Residences	1993 January 6	Planning Department	Pending Public Meeting

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Public meeting to discuss future status of Pearl, Poulette and Ray Street Bridges over CP Rail's Track	1993 January 6		Pending Public Meeting

1993 January 28

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 FEBRUARY 3

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee for its meeting held 1993 January 20th.

B. DIRECTOR OF PROPERTY

MacNab Street Truck Tunnel - Unitel Cable Installation - Lloyd D. Jackson Square

C. DIRECTOR OF PUBLIC WORKS

Application for Funding Under the Federal Job Development Grant Programme

D. BUILDING COMMISSIONER

(a) City of Hamilton Heritage Programme - 221 Ferguson Avenue South

(b) Demolition Permits

i) 15 Limeridge Road East

ii) 23 Limeridge Road East

iii) 31 Limeridge Road East

iv) 418 Limeridge Road East

v) 217 Brant Street

vi) 79 Hillview Street

vii) 18 Silverton Avenue

E. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Authorization for a Public Meeting - Proposed Plan, Falkirk West Neighbourhood
- (b) Authorization for a Public Information Meeting - Central/Beasley Neighbourhoods
- (c) Extension of Draft Plan Approval (25T-76024) for "Battleridge" Subdivision; Gershome Neighbourhood
- (d) Proposed Draft Plan of Condominium, 25CDM-90012, Robertson Place - Phase 1 and 2, Michael McConnell, Mary McConnell, Frederick Luchak, owners, to establish a draft plan of condominium located on the north-east corner of Herkimer Street and Park Street South; Durand Neighbourhood

Wednesday, 1993 January 20
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman M. Kiss
Alderman Wm. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman H. Merling

Regrets: Mayor Robert M. Morrow (Civic Business)
Alderman F. D'Amico (Bereavement)

Also Present: Alderman T. Jackson
Doug Kelterborn, Board of Education
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Bill Janssen, Planning Department
Joanne Hickey-Evans, Planning Department
Willie Wong, Planning Department
Eugene Chajka, Roads Department
Dave Powers, Law Department
Roland Karl, Traffic Department
Mike Watson, Property Department
Jacqueline McNeilly, Public Works Department
Tina Agnello, Secretary

1. CONSENT AGENDA

A. Adoption of the Minutes

The Committee approved the minutes of the meeting held 1993 January 6 as circulated.

B. DIRECTOR OF PROPERTY

Sale of City owned land at 3, 5 & 7 Gerard Street to Desiderato D'Angelo and Pierina D'Angelo

As recommended by the Director of Property in a report dated 1993 January 12 the Committee recommended to Council as follows:

- (a) That an Offer to Purchase duly executed by Desiderato D'Angelo and Pierina D'Angelo on 1993 January 8 and scheduled to close on or before 1993 March 19 be approved and completed for the purchase of a vacant parcel of City owned land being composed of part of Lots 54, 55, 56 and 57, Plan 471, said parcel of land having a frontage of 17.37 metres (57.0 feet) more or less, along the northerly limit of Gerrard Street, by a depth of 28.65 metres (94.0 feet) more or less, and containing an area of 497.75 square metres (5,358 square feet) more or less, municipally known as 3, 5 and 7 Gerrard Street in the City of Hamilton, be approved and completed and the funds derived from this sale of \$60,000 be credited to Account No. CF 4402 308750001 (Land Sales - Enclave Clearance Program).

- (b) That a deposit cheque in the amount of \$6,000 be held by the Treasurer pending Council approval.
- (c) That this transaction include special building covenants, agreements and restrictions, which as set out in clauses 6.1, 6.2, 6.3, 6.4, 6.5 and 6.6 in the offer to purchase, attached hereto, which terms should be included in the Committee's resolution to City Council as Appendix "A".
- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

C. DIRECTOR OF PUBLIC WORKS

(a) Concession Street Business Improvement Area Proposed Budget and Schedule of Payments for 1993

As recommended by the Director of Public Works in a report dated 1993 January 11, the Committee recommended to Council as follows:

- (a) That the 1993 operating budget of the Concession Street B.I.A. (attached as Appendix "B") be approved in the amount of eight thousand, four hundred and twenty-five dollars (\$8,425); and,
- (b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and,
- (c) That the following Schedule of Payments for 1993 be approved:

May 01	\$4,212
October 01	\$4,213

NOTE: 1992 Levy Arrears will be deducted from the two payments for 1993.

(b) Downtown Hamilton BIA Proposed Budget and Schedule of Payments for 1993

As recommended by the Director of Public Works in a report dated 1993 January 11 the Committee recommended to Council as follows:

- (a) That the 1993 operating budget of the Downtown Hamilton B.I.A. (attached as Appendix "C") be approved in the amount of one hundred and fifty-five thousand dollars (\$155,000); and,
- (b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and,
- (c) That the following Schedule of Payments for 1993 be approved:

January 01	\$12,916.74	July 01	\$12,916.66
February 01	\$12,916.66	August 01	\$12,916.66
March 01	\$12,916.66	September 01	\$12,916.66
April 01	\$12,916.66	October 01	\$12,916.66
May 01	\$12,916.66	November 01	\$12,916.66
June 01	\$12,916.66	December 01	\$12,916.66

NOTE: 1992 Levy Arrears will be deducted from the two payments for 1993.

D. INFORMATION REPORTS**(a) Local Architectural Conservation Advisory Committee: Minutes of 1992 November 23**

The Committee was in receipt of the minutes of the LACAC Meeting held 1992 November 23.

(b) Commissioner of Planning and Development: Site Plans for Approval

The Committee was in receipt of an information report regarding approved Site Plan Control Applications dated 1993 January 13.

2. Referral back from Council. Objection to By-law 92-281 regarding Housing Intensification Strategy

The Committee moved to acknowledge the resolution of Council at its meeting of 1993 January 12, referring this matter to the first Planning and Development Committee Meeting of 1993 February 3.

3. RAINWATER LEADER REPORTS**3.1 By-law 80-245 as Amended by By-law 88-09 respecting Land Drainage**

As recommended by the Building Commissioner and Senior Director of Roads Department in a report dated 1993 January 14, the Committee recommended to Council as follows:

That By-law #80-245 be appropriately amended to allow buildings other than single and two-family dwellings and buildings accessory thereto to discharge rainwater leaders directly on to the ground rather than providing a connection to storm sewers.

That Section 6 be amended to include the following:

(a) That roof leaders are not required to be connected to storm sewers on buildings, other than single family and two-family dwellings and accessory buildings thereto, where the site design is prepared by a Professional Engineer and the design is acceptable to the Commissioner of Transportation/Environmental Services.

(b) Where roof leaders are not required, water shall discharge on to splashpads in sodded areas and shall discharge at least 0.6m from the building face.

3.2 Rainwater Leader By-law - 1606-1626 Upper Gage Avenue

As recommended by the Building Commissioner in a report dated 1993 January 7, the Committee recommended to Council as follows:

That the townhouse project at 1606-1626 Upper Gage Avenue known as MacCuish Court Townhouses be exempt from connecting all rainwater leaders to storm sewers as required by By-law #80-245 upon completion of the following outstanding requirements:

(a) All roof leaders shall discharge onto splash pads.

- (b) The scales along the west and south property lines shall be constructed as per the approved site plan.
- (c) Submission and approval of a revised grading plan.

4. **DIRECTOR OF LOCAL PLANNING**

- (a) Amended Zoning Application 92-34, 603815 Ontario Inc. (David John Armstrong), owner for changes in zoning from: "AA" District to "HH" District, modified, for Block "1"; from "C" District to "HH" District, modified, for Block "2"; and from "C" District, modified, to "HH" District, modified, for Block "3"; for property located at No. 1492 Upper James Street, Mewburn Neighbourhood

Paul Mallard advised that this application which was tabled at the January 6th Planning and Development Committee Meeting has been brought back to Committee upon their request to provide a revised resolution to approve the application.

Mr. Mallard stated that the Roads Department has several concerns which are being addressed through the requirement for a modified submission agreement.

Mr. Mallard recommended to the Committee that the resolution be amended to add as follows:

"The Terms of the Agreement will be applied upon the Amending By-law coming into effect".

Alderman Merling and Charters concurred that the application be approved with the proviso that the applicant enter into a modified submission agreement with the City.

As noted in a memo of the Director of Local Planning dated 1993 January 12, the Committee recommended to Council a revised resolution as follows:

- A. That approval be given to amended Zoning Application 92-34, 603815 Ontario Inc., (David John Armstrong), owner, requesting changes in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District modified (Block "1"), from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified (Block "2"), and from "C" (Urban Protected Residential, etc.) District modified "HH" (Restricted Community Shopping and Commercial, etc.) District modified (Block 3), to permit commercial uses including a multiple bay, coin-operated car wash, on property located at 1492 and 1500 Upper James Street, as shown on the attached map marked as Appendix "D", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (c) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District modified to "HH" (Restricted Community Shopping and Commercial) District;
 - (d) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to Blocks "1", "2" and "3", be modified to include the following variances as special requirements:

- (i) That notwithstanding Section 14A(1) of Zoning By-law No. 6593, the following commercial use shall also be permitted:
 - a coin-operated car wash;
- (ii) That notwithstanding Section 14A(3) of Zoning By-law No. 6593, a minimum setback of 6.0 m shall be provided and maintained from the easterly lot lines of Blocks "2" and "3";
- (iii) That notwithstanding Section 14A(3) of Zoning By-law No. 6593, a minimum setback of 6.0 m shall be provided and maintained from the northerly lot line of Block "3";
- (iv) That a landscaped planting strip having a minimum width of 6.0 m shall be provided and maintained along the easterly lot line of Blocks "2" and "3", and along the northerly lot line of Block "3", except for any area used for vehicular access;
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1300, and that the subject lands on Zoning District Map W-9D be notated S-1300;
- (f) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
- (g) That the proposed changes and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the amending By-law not be forwarded for passage by City Council until such time as the owner/applicant has entered into a modified subdivision agreement with the City and the Region of Hamilton-Wentworth, which will include the dedication of the neighbourhood mid-block collector street and daylight triangles to the City, and provide for the recovery of servicing costs to the Region and the City of Hamilton for this street. The terms of the agreement will be applied upon the amending by-law coming into effect.

(b) Holding of Planning and Development Committee Public Meetings in Council Chambers

Victor Abraham advised that approximately 2 years ago the Public Meeting portion of the Planning and Development Committee Agenda was held in the Council Chambers. Two additional people from the Clerk's Department were required to operate the sound system and video equipment. Occasionally this room was not available because the OMB requires it. He recommended that the sound system be made operational for each Planning and Development Committee meeting in Room 233 and should there be insufficient room to accommodate the public, the Committee may resume its deliberations in the Council Chambers.

Alderman McCulloch concurred with Mr. Abraham and added that the Council Chambers can be very intimidating to the general public.

Alderman Merling said that in the majority of cases Room 233 is large enough to accommodate public delegates.

Alderman Wilson suggested that the Clerk's Department ensure that the sound system be made operational prior to each Planning and Development Committee meeting.

After brief discussion the Committee resolved that the sound system in Room 233 be made operational for all Planning and Development Committee meetings and that the Council Chambers be used for Public Meetings in cases where large public delegations warrant it.

5. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

1993 Departmental User Fees - Second Report

Alderman Merling confirmed that the Policy adheres to Council direction.

As recommended by the Commissioner of Planning and Development in a report dated 1993 January 12 the Committee recommended to Council as follows:

That the following Policy Guideline be adopted for purposes of differentiating between "Routine" and "Complex" Rezoning Applications, and the administration of Planning Fees:

(a) Routine Application

- (i) To add one specific use (i.e. that does not change the zoning district); or
- (ii) To reduce yard requirements or modify other district requirement (i.e. only one requirement); or
- (iii) To zone three single-family dwelling lots or less; or
- (iv) To remove an "H" Holding provision; or
- (v) To extend a "Temporary Use" By-law

(b) Complex Application

All others.

(c) Administration

The Director of local Planning shall be responsible for administration of Planning Fees. In case of any dispute, the decision of the Director of Local Planning shall be final.

6. **BUILDING COMMISSIONER**

Demolitions: 589, 593 and 595 Main Street East

Alderman Merling explained that these applications have been subject to an OMB Hearing which does not object to the demolitions. Alderman Drury is opposed to the demolition of these buildings and the subsequent erection of a detoxification centre.

Responding to a question from Alderman Merling, Mr. Wong advised that legally, the demolition permits cannot be withheld.

Mr. Abraham advised that Alderman Drury has requested legal comment on whether or not the permit control act applies to these properties. Mr. Powers assured that the act does not apply.

The Committee requested that the reports be amended to reflect that the proposed use is a detoxification centre.

As recommended by the Building Commissioner in various reports dated 1992 December 16 the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue demolition permits for:

- (a) 589 Main Street East
- (b) 593 Main Street East
- (c) 595 Main Street East

PUBLIC MEETINGS

7. ZA 92-47. Enrico Mancinelli and Ricardo Persi, owners, for a change in zoning from "AA" District to "R-2" District, for property located at Nos. 1340, 1342 and 1348 Upper Sherman Avenue; Rushdale Neighbourhood

Jane Webb resident of 1348 Upper Sherman Avenue was present in support of the application. She stated that maintaining the single family homes on Upper Sherman Avenue would be in keeping with the character of the area.

Paul Mallard advised that the OMB has previously approved townhouse development on this site. He explained that from a planning perspective that the 2 single family homes will be visually less imposing on the street scape than would townhouses. 53 percent of this site is to be landscaped and the applicants have agreed to provide setbacks in excess of those required under the zoning by-law. Of notifications circulated, 3 residents have replied in favour and 15 are opposed.

Louis Serafini, representing the applicants was present. He stated that the townhouse development has been opposed and the 2 houses are already in existence.

Alderman Merling was opposed to approval of the application on the basis that the OMB approved a development for townhouses and not single family houses. He also felt that access to Upper Sherman Avenue for the townhouse development is too narrow and should not be on a major regional road. He was also concerned about grading difference from the townhouses being too steep. The Building as shown on the Site Plan appears cluttered and congested.

It is Alderman Merling's opinion that approval of this application would not be in keeping with good planning principles and does not keep the intent of the OMB decision.

Paul Mallard explained that the site was originally zoned townhouses, with regard to the driveway. Mr. Mallard advised that the entrance way is 7.5 metres in width.

Alderman McCulloch stated that as long as the plans meet the zoning requirements and the site plan is submitted as required, the development should be approved. Opinion as to whether or not the buildings on the site plan are attractive or not, is not relevant. Staff will ensure that drainage and other requirements are complied with. Residents will not be happier with townhouses erected on Upper Sherman Avenue.

Alderman Eisenberger and Alderman Wilson concurred and added that the proposal is appropriate and consistent with the surrounding neighbourhood.

Paul Mallard confirmed that the detached dwelling are at a lower elevation than the remainder of the development. He reiterated that the reasons for approval being that:

- (a) the dwellings are existing and the character of the neighbourhood has already been established,
- (b) aesthetically, the visual impact of the townhouses is reduced, and
- (c) it is implementing the intent of the neighbourhood plan.

Alderman Merling stated that other similar applications have been denied.

As recommended by the Committee of Planning and Development in a report dated 1993 January 12 the Committee recommended to Council as follows:

- A. That approval be given to amended Zoning Application 92-47, Enrico Mancinelli and Ricardo Persi, owners, requesting a change in zoning from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, to permit an existing single-family and a semi-detached dwelling, located on property located at 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as Appendix "E", on the following basis:
 - (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
 - (c) That the proposed change in Zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (d) That the Rushdale Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double Residential".
- B. That the City Clerk request the Law Department to advise the Ontario Municipal Board of the subject rezoning and land severance approvals as they relate to the previous rezoning and Board ordered notification of site plan approval applicable to these lands (ZA-89-101). Furthermore, that Schedule "A" to By-law 90-283, applicable to the previously approved development, be substituted with a revised Schedule "A" by deleting the subject lands, thus providing for a reduced townhouse site under By-law 92-283.

* Alderman H. Merling Opposed

8. City Initiative 92-E, for a change in zoning from "D" District to "H" District, for property located at Nos. 290-296 Victoria Avenue North: Landsdale Neighbourhood

As recommended by the Committee of Planning and Development in a report dated 1993 January 6 the Committee recommended to Council as follows:

- A. That approval be given to City Initiative 92-E, for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses etc.) District to "H" (Community Shopping and Commercial, etc.) District, for the property located at 290 -296 Victoria Avenue North, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the subject lands be rezoned from "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12 for presentation to City Council; and
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-233 be amended by adding the subject lands to Schedule "A".
9. Amended Zoning Application 92-07, St. Stephen-on-The Mount Anglican Church, owner, for a change in zoning from "H" District to "E" District modified for Blocks "1" and "2", for property located at No. 625-635 Concession Street, Eastmount Neighbourhood (previously tabled)

The Committee was in receipt of a submission from Robert Ellis of 34 Poplar Avenue, Hamilton, L8V 2S6.

Alderman Charters commended Alderman Merling for his work with the residents regarding this application.

Paul Mallard recommended amendments to change same wording in the text of the recommendation.

After brief discussion the Committee resolved to forward to Council the recommendation of the Committee of Planning and Development in a report dated 1993 January 14 as amended as follows:

That approval be given to amended Zoning Application 92-07, St. Stephen-On-The-Mount Anglican Church, owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified for Blocks "1" and "2", to permit the development of the subject lands for an eight (8) storey, 41 unit multiple dwelling and parish hall addition to the existing church, for the property located at 625 and 635 Concession Street, shown as Block "1" and Block "2" on the attached map marked as Appendix "G", on the following basis:

- (a) That Blocks "1" and "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- (b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to the multiple dwelling and parish hall for Block "1", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 11(2)(ii) of Zoning By-law No. 6593, no building or structure shall exceed eight (8) storeys or 30.0 m in height;
 - (ii) That Section 11(3)(i)(b) of Zoning By-law No. 6593 shall not apply, except a minimum front yard depth of 1.0 m shall be provided and maintained along the portion of the southerly lot line within 18.0 m of the easterly lot line;

- (iii) That Section 11(3)(ii)(b) of Zoning By-law No. 6593 shall not apply to the westerly lot line;
 - (iv) That notwithstanding Section 11(3)(ii)(b) of Zoning By-law No. 6593, a minimum side yard width of 3.0 m shall be provided and maintained along the easterly lot line;
 - (v) That Section 11(3)(iii)(b) of Zoning By-law No. 6593 shall not apply, except a minimum rear yard depth of 10.0 m shall be provided and maintained for any portion of the building above the first storey;
 - (vi) That notwithstanding Section 11(5) of Zoning By-law No. 6593, no building or structure shall exceed a maximum gross floor area of 3893.0 m² and forty-one (41) dwelling units;
 - (vii) That notwithstanding Section 18A(1) of Zoning By-law No. 6593, not less than fourteen (14) parking spaces shall be provided and maintained;
 - (viii) That notwithstanding Section 18A(1)(c) of Zoning By-law No. 6593, one (1) loading space having minimum dimensions of 3.7 m in width, 9.0 m in length, and 4.3 m in height shall be provided and maintained;
 - (ix) That Section 18A(25) of Zoning By-law No. 6593 shall not apply;
 - (x) That a minimum landscaped area of 150.0 m² shall be provided and maintained at grade;
 - (xi) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the northerly lot line;
- (c) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
- (i) That notwithstanding Section 11(1) of Zoning By-law No. 6593, only the church use shall be permitted within the existing building on the date of passing of this by-law;
 - (ii) That Section 11(3) of Zoning By-law No. 6593 shall not apply;
 - (iii) That a roofed-over partially enclosed one-storey porch may be erected to the south-east corner of the existing church;
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1302, and that the subject lands on Zoning District Map E-24 be notated S-1302;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-24 for presentation to City Council;

- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

10. Amended Zoning Application 91-17, St.Elizabeth Home Society, owner, for changes in zoning from "AA" District to "DE" District, modified, for Block "1"; "RT-20" District for Block "2"; and "B-2" District for Blocks "3" and "4"; for lands located north of Rymal Road West and east of Garth Street; Sheldon Neighbourhood (previously tabled)

The Committee was in receipt of the following submissions:

- (a) John & Bonnie Jean Rennie, 120 Christopher Drive, Hamilton L9B 1G8
- (b) Mr. & Mrs. J. E. Kelly, 1455 Garth Street, Unit 18, Hamilton L9B 1T4
- (c) Janice Lattin, TransCanada Pipelines, Calgary Alberta, T2P 4K5
- (d) Muriel C. MacAulay, 57 Gates Lane, Hamilton L9B 1T8

Paul Mallard advised that the application is for an Official Plan Amendment and a change in zoning from Agricultural to residential townhouse, single family and care facility. The development will yield approximately 7 1/2 units per acre and the residential care facility will house 150 people. The plan is consistent with the intent of the neighbourhood plan. A further modification is required for a row of 16 townhouse units whereas only 8 are permitted. The purpose of the greater amount is to provide privacy for future abutting single family area. These units are also located in the interior. The density of the development is low.

Mr. Mallard continued by stating that the site will be put in a holding persons zone pending land dedications of notices circulated, 67 replied in favour and 28 were opposed.

Julian Gaspar, President of Canada Plan Group Inc. was present in support of the application.

Sasha Milenov, Architect and Planner for the project added that most of the woods existing on site will be preserved and the development will be on high quality.

Mrs. Symmons of 1455 Garth Street wondered how traffic patterns in the area would be affected. She was concerned that townhouses would be erected 6 feet from the property line.

Jim Lepore, owner of 236,238 and 240 Rymal Road (resident of 11 Fisher Crescent) requested that a better area of 25 feet be placed from the St. Elizabeth Home to his property line. He also asked if sewer service would be expanded.

Paul Mallard advised that the set back for townhouses is usually 6 metres or 40 feet but depending on the type of windows installed in the townhouse development the setback can be reduced to 3 metres. This project is designed so that the setbacks allowed are 25 feet from all adjoining properties. Landscaping will be included in the site plan.

Mr. Rainy Gagliani of 58 Wellington Street North raised concerns that a 150 resident, care facility is taking away from smaller facilities which may not be permitted because of the possible vacancy rate in larger development.

Mary Lou Ciancone of 358 and 366 Rymal Road asked if a right of way could be negotiated to the rear of her property. She was advised that this should be negotiated directly with the developer.

Alderman Eisenberger said that he supports the application because it meets all zoning requirements. He conveyed that Alderman D'Amico feels that the density in the future RT-20 area is too high and would prefer to have it reduced.

As recommended by the Committee of Planning and Development in a report dated 1993 January 13 the Committee recommended to Council as follows:

- A. That approval be given to Official Plan Amendment No. 120 to redesignate lands from "Open Space" to "Residential" (easterly portion of Block "2"), from "Residential" to "Major Institutional" (southwest corner of Block "1"), and "Major Institutional" to "Residential" (northeast portion of Block "1") to permit the development of the subject lands for a retirement village (Block "1"), townhouses (Block "2"), and single-family dwellings (Blocks "3" and "4") for property located on the north side of Rymal Road, east of Garth Street, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to amended Zoning Application 91-17, St. Elizabeth Home Society, owner, requesting a change in zoning from "AA" (Agricultural) District to "DE"-H (Low Density Multiple Dwellings - Holding) District (Block "1"), "RT-20"-H (Townhouse - Maisonette - Holding) District (Block "2"), and "B-2"-H (Suburban Residential - Holding) District (Blocks "3" and "4"), to permit the development of the subject lands for a retirement village and residential care facility (Block "1"), townhouses (Block "2"), and single-family detached dwellings (Blocks "3" and "4") for property located on the north side of Rymal Road and east of Garth Street, as shown on the attached map marked as Appendix "H", on the following basis:
- (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit development of the subject lands until municipal sewers are available and the applicant has entered into a subdivision agreement with the City and Region with respect to road dedications, road widenings, daylighting triangles, etc. to the satisfaction of the Commissioner of Transportation and Environmental Services.
- Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers serving the subject lands as the City deems necessary, and the applicant entering into a subdivision agreement to the satisfaction of the Commissioner of Transportation and Environmental Services. City Council may remove the 'H' symbol, and thereby give effect to the "DE", "RT-20" and "B-2" District provisions as stipulated in this By-law by the enactment of an amending By-law.
- (b) That Block "1" be rezoned from "AA" (Agricultural) District to "DE"-H (Low Density Multiple Dwellings - Holding) District;
- (c) That Block "2" be rezoned from "AA" (Agricultural) District to "RT-20"-H (Townhouse - Maisonette - Holding) District;
- (d) That Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "B-2"-H (Suburban Residential - Holding) District;

- (e) That the "DE" (Low Density Multiple Dwellings) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
- (1) Notwithstanding Section 10A(1), only the following uses shall be permitted:

a retirement village consisting of:
 - (aa) townhouse dwellings in accordance with Section 10E;
 - (bb) a residential care facility with a maximum accommodation of 150 residents;
 - (cc) a recreation centre; and,
 - (dd) accessory uses of a management office and a service building;
 - (2) Notwithstanding Section 10A(2) the residential care facility shall not exceed four storeys in height;
 - (3) Notwithstanding Section 10A(3), a minimum front yard (Garth Street) of 12.0 m shall be provided;
 - (4) Notwithstanding Section 10E(7), the density of the residential development shall not exceed 408 single family dwelling units;
 - (5) Notwithstanding Section 10E(17), a maximum of 16 townhouses having not more than 12 single-family dwelling units attached in a continuous row shall be permitted;
 - (6) Subsection 10A(6) of By-law No. 6593 shall not apply.
- (f) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1301, and that the subject lands on Zoning District Map W-17D be notated S-1301;
- (g) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-17D for presentation to Council;
- (h) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 120 by the Regional Municipality of Hamilton-Wentworth; and,
- (i) That the approved Sheldon and Mewburn West Neighbourhood Plan be amended to redesignate all of Block "2" from "St. Elizabeth Retirement Village" to "Attached Housing".

11. OTHER BUSINESS

None.

12. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

TAKEN AS READ AND APPROVED,

ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello
Secretary

OFFER TO PURCHASE

Appendix "A" as referred to
in Item 1B(c) of the Planning and
Development Committee Meeting held
1993 January 20th
of the City of Hamilton,

I/We DESIDERATO D'ANGELO
PIERINA D'ANGELO

in the Regional Municipality of Hamilton-Wentworth,

hereinafter called the Purchaser,

hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,

hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lots 54, 55, 56 and 57, Plan 471, said parcel of vacant land having a frontage of 17.37 metres (57.0 feet) more or less, along the northerly limit of Gerrard Street, by a depth of 28.65 metres (94.0 feet) more or less, and containing an area of 497.75 square metres (5,358 square feet) more or less, municipally known as 3, 5 and 7 Gerrard Street as shown in heavy outline on Schedule "B".

at the price of SIXTY THOUSAND----- DOLLARS (\$60,000.00)
of lawful money of Canada, payable as follows:

- (a) A deposit of SIX THOUSAND----- DOLLARS (\$6,000.00)
by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely FIFTY-FOUR THOUSAND----- DOLLARS (\$54,000.00)
with interest as hereinafter provided, and subject to adjustments, by certified cheque on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:

1. This Offer shall be irrevocable by the Purchaser and may be accepted by the Vendor up to but not after the 2nd day of February 1993, by a letter mailed or delivered to the Purchaser c/o Tom D'Angelo, P.O. Box 907, 1 King Street West, Hamilton, Ontario, L8N 3P6.
2. In the event that this Offer is not accepted, this Offer and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs.
3. In the event of and upon the acceptance of this Offer, this Offer and the letter of acceptance shall be a binding contract of purchase and sale and shall be completed in accordance with the terms hereof.
4. The title is good and free from all encumbrance, except as to any registered restrictions or covenants.
5. The Purchaser is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Vendor.
6. The Purchaser is to be allowed thirty days from the date of acceptance of such Offer to examine the title at his own expense. If within that time any valid objection to title is made in writing to the Vendor, or its Solicitor, which the Vendor shall be unable or unwilling to remove and which the Purchaser will not waive, the contract arising out of the acceptance of this Offer shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and all monies shall be returned by the Vendor without interest and it shall not be liable for any damages or costs. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the title of the Vendor to the real property.
- 6.1 The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the transfer to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of 4,000 square feet, upon the hereinbefore described land by not later than January 19, 1994.

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than September 19, 1994.

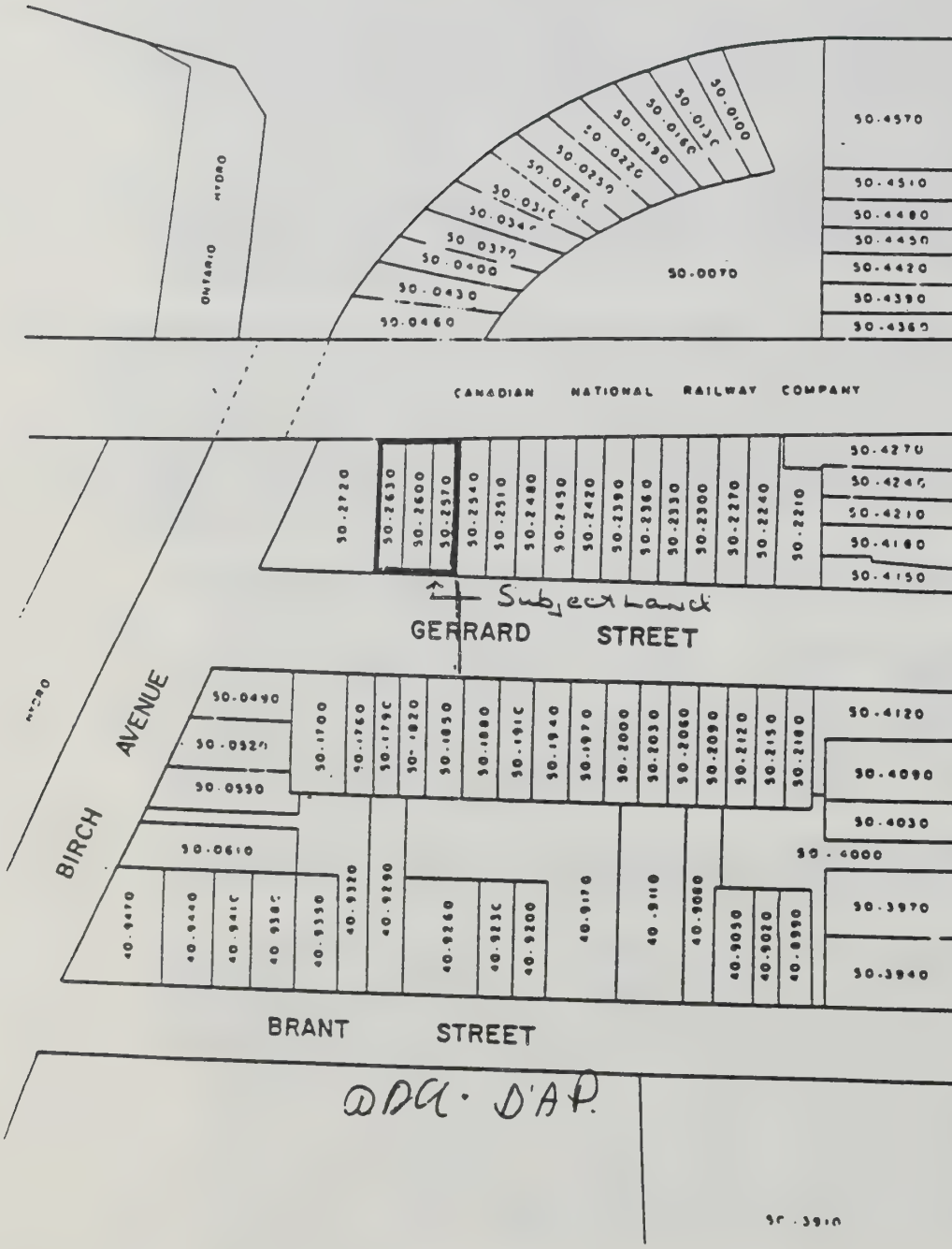
The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.
4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.
6. That the Purchasers hereby acknowledge that the City plans to close and sell a portion of Gerrard Street immediately east of the subject lands and the Purchasers hereby agree not to object in any way to said closure and sale. Therefore, the Purchasers are hereby estopped from exercising the rights which would ordinarily accrue to them as adjacent owners to a road closure by virtue of and as part consideration of the transaction herein.

- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.
- 6.6 Notwithstanding paragraphs 6.3 (1) (2) (3) hereof, should the Transferee decide to construct an industrial condominium, in accordance with municipal, regional, and provincial requirements, the Transferee shall be entitled to enter into Agreements of Purchase and Sale in respect of the units to be contained within such condominium and shall further be entitled to transfer such condominium units to such Purchasers without such sales or transfers being deemed an act or acts of default hereunder.
7. This transaction shall be closed on or before the 19th day of March 1993.
8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

SCHEDULE "B"

Chart 2048



Concession Street Business Improvement Area

Proposed Budget for 1993

Expenses

Advertising and Promotion

	<u>1992</u>	<u>1993</u>
Final Installment Christmas Lights	2,340.	2,800.
Service Christmas Decorations	3,400.	3,400.
Hydro Christmas Decorations	540.	600.
Advertising and Promotion		425.
	<u>6,280.</u>	<u>7,225.</u>

Administration

Association Dues	300.	300.
Insurance	300.	500.
Accounting	270.	300.
Bank Charges	125.	100.
	<u>995.</u>	<u>1,200.</u>

Office

Telephone	200.	Nil
Newsletter	500.	500.
	<u>700.</u>	<u>500.</u>

Other

Miscellaneous	450.	500.
Total Budget	<u>8,425.</u>	<u>9,425.</u>

Income

1993 Levies	8,425.
Grant - Christmas Decorations	1,000.
	<u>9,425.</u>

Note: Bank Balance November 1, 1992 4,185.73
Expenses to be paid in 1992 3,840.00
Surplus 345.73

APPROVED

~~XXXXXX~~
Proposed Budget for 1993

Revenue:

Levy	\$ 155,000	100%
------	------------	------

Expenses :

Holdback / arrears		
Reserves / adjustments	\$ 49099	31.7

Fees / administration	\$ 52654	34.0
-----------------------	----------	------

Project/ media/ Special Programs	\$ 53247	34.3
	-----	-----
	\$ 155000	100 %

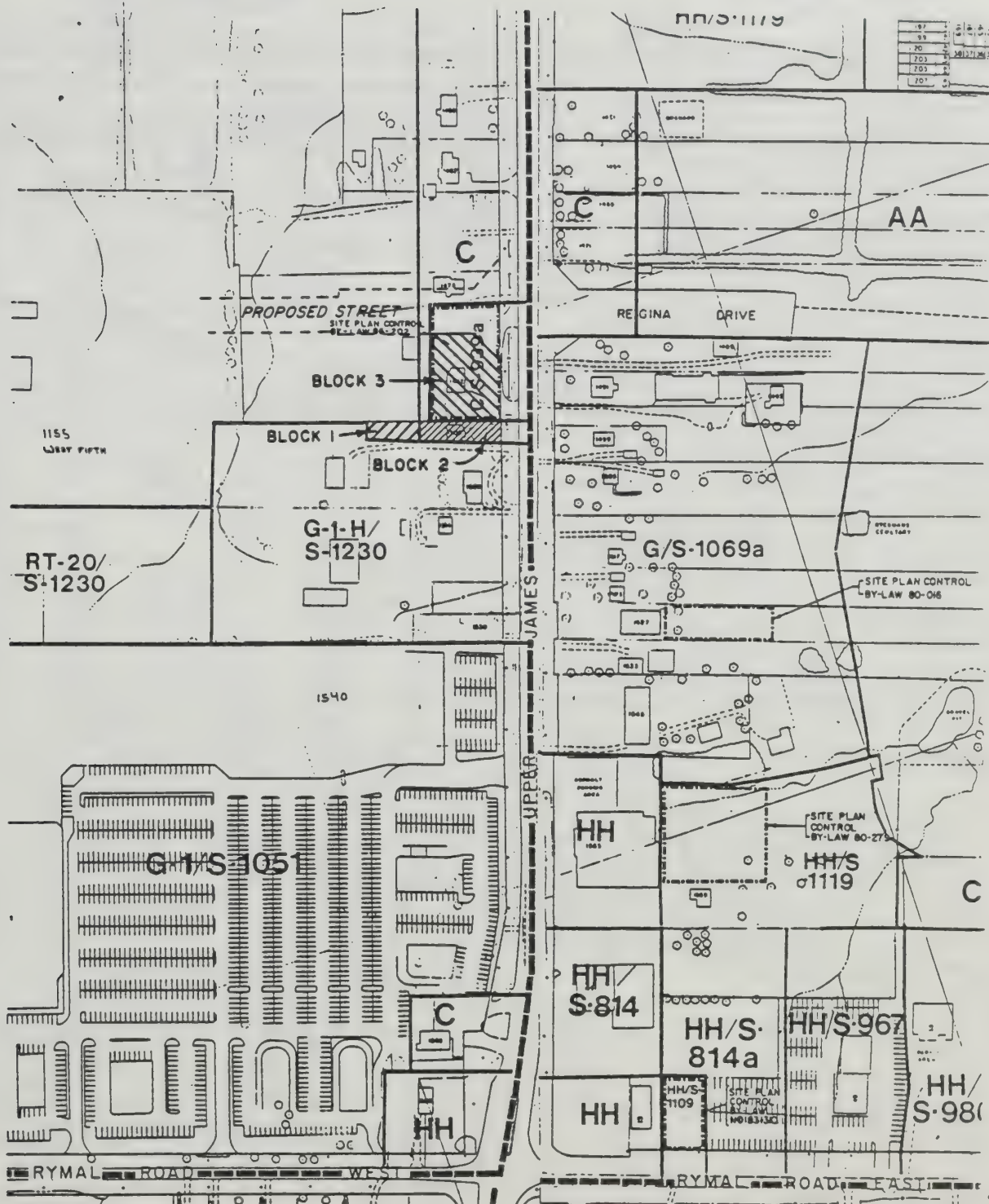
Proposed Projects for 1993

Continued updating of Databas
Economic Development Initiatives
Flower Planter Maintenance

Annual Bed Race
Annual Tray Race
Fit Day
Music In The
City/ Aquafest
Christmas




--

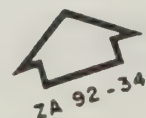
Appendix "D" as referred to
in Item 4A of the Planning and
Development Committee Meeting held
1993 January 20th



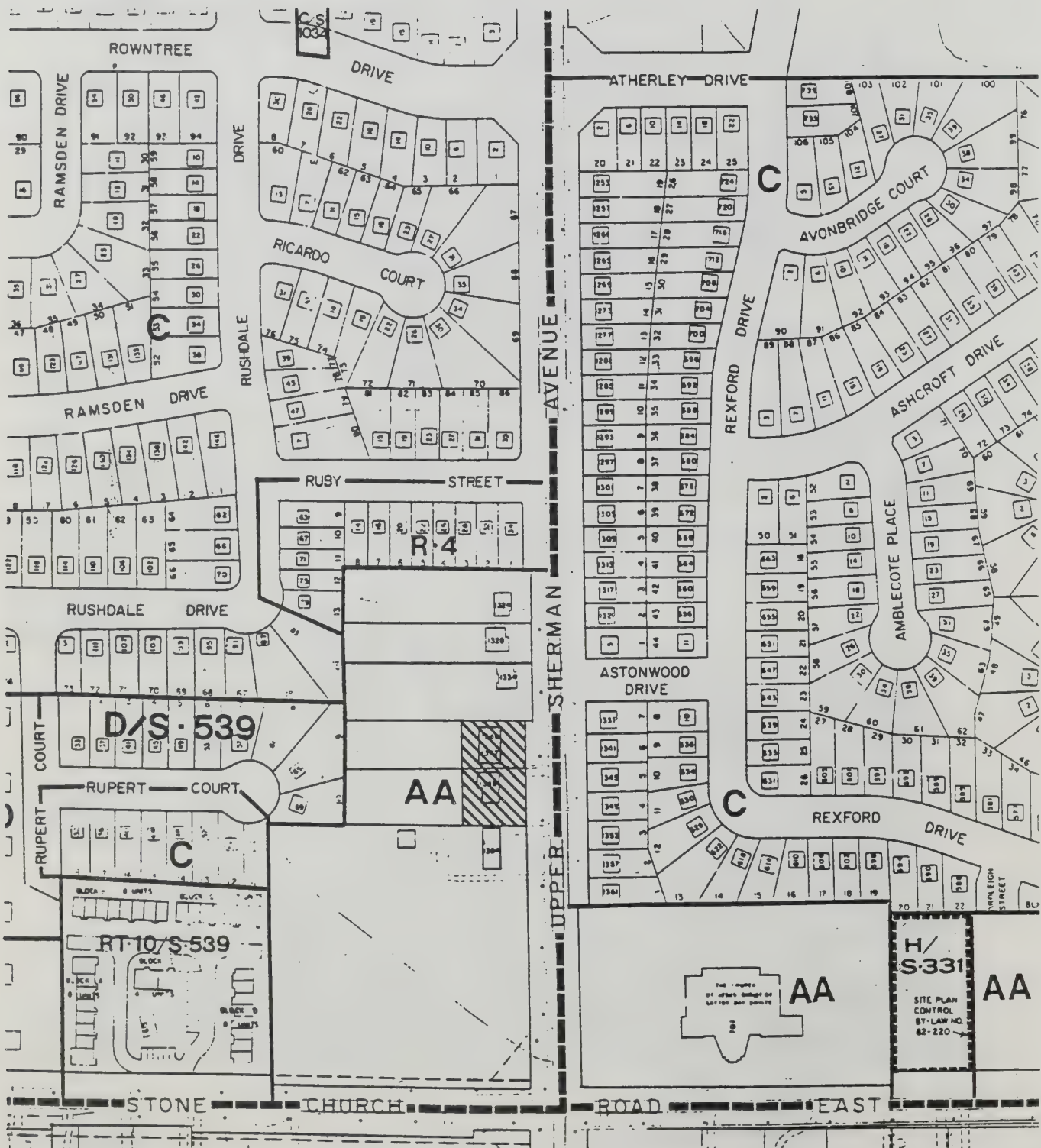
Legend

Proposed change in zoning from:

- BLOCK 1  "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified.
- BLOCK 2  "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified.
- BLOCK 3  "C" (Urban Protected Residential, etc.) District, modified to "HH" (Restricted Community Shopping and Commercial) District, modified.



Appendix "E" as referred to
in Item 7A of the Planning and
Development Committee Meeting held
1993 January 20th

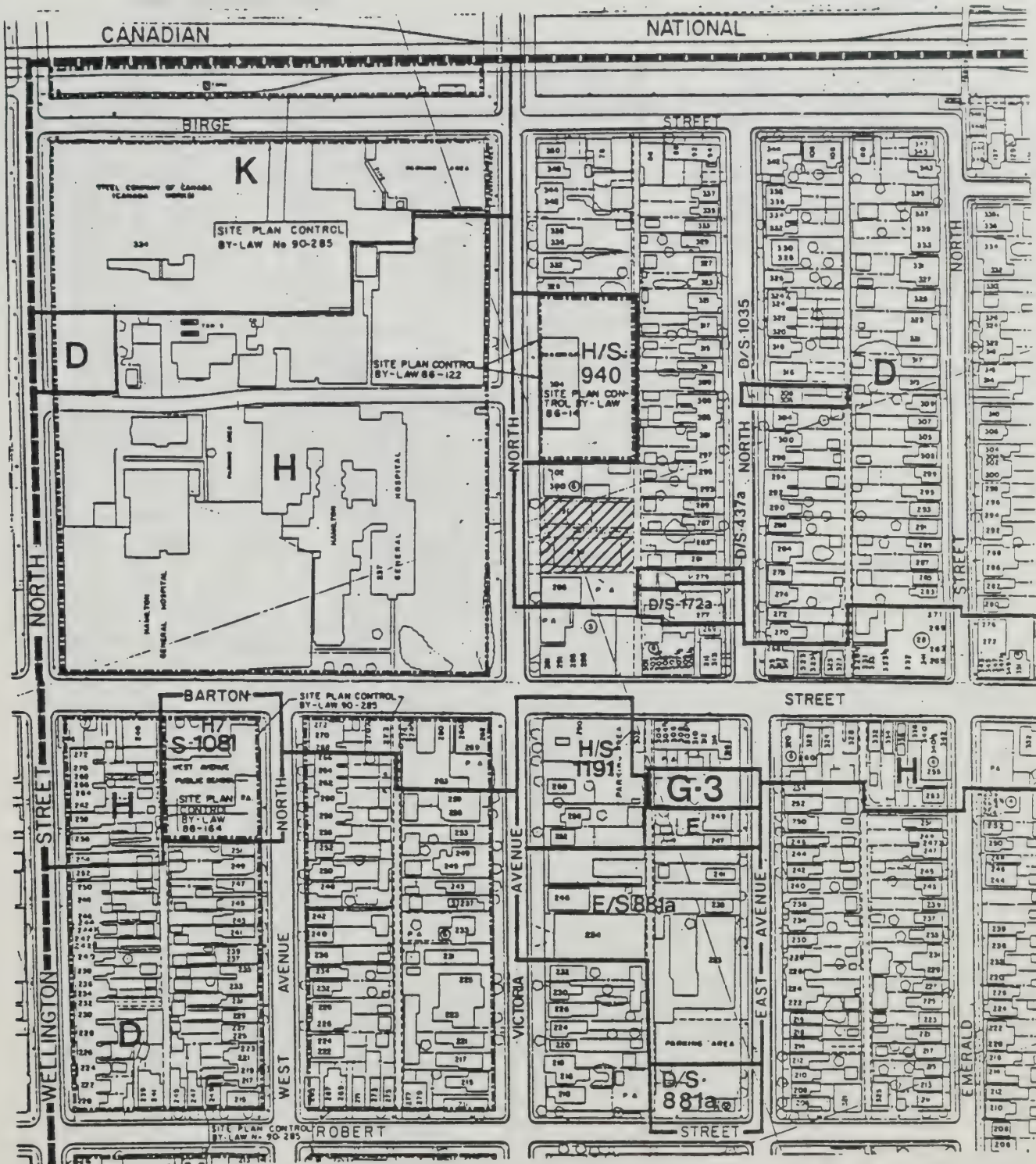


Legend



Site of the Application

2A 92-47



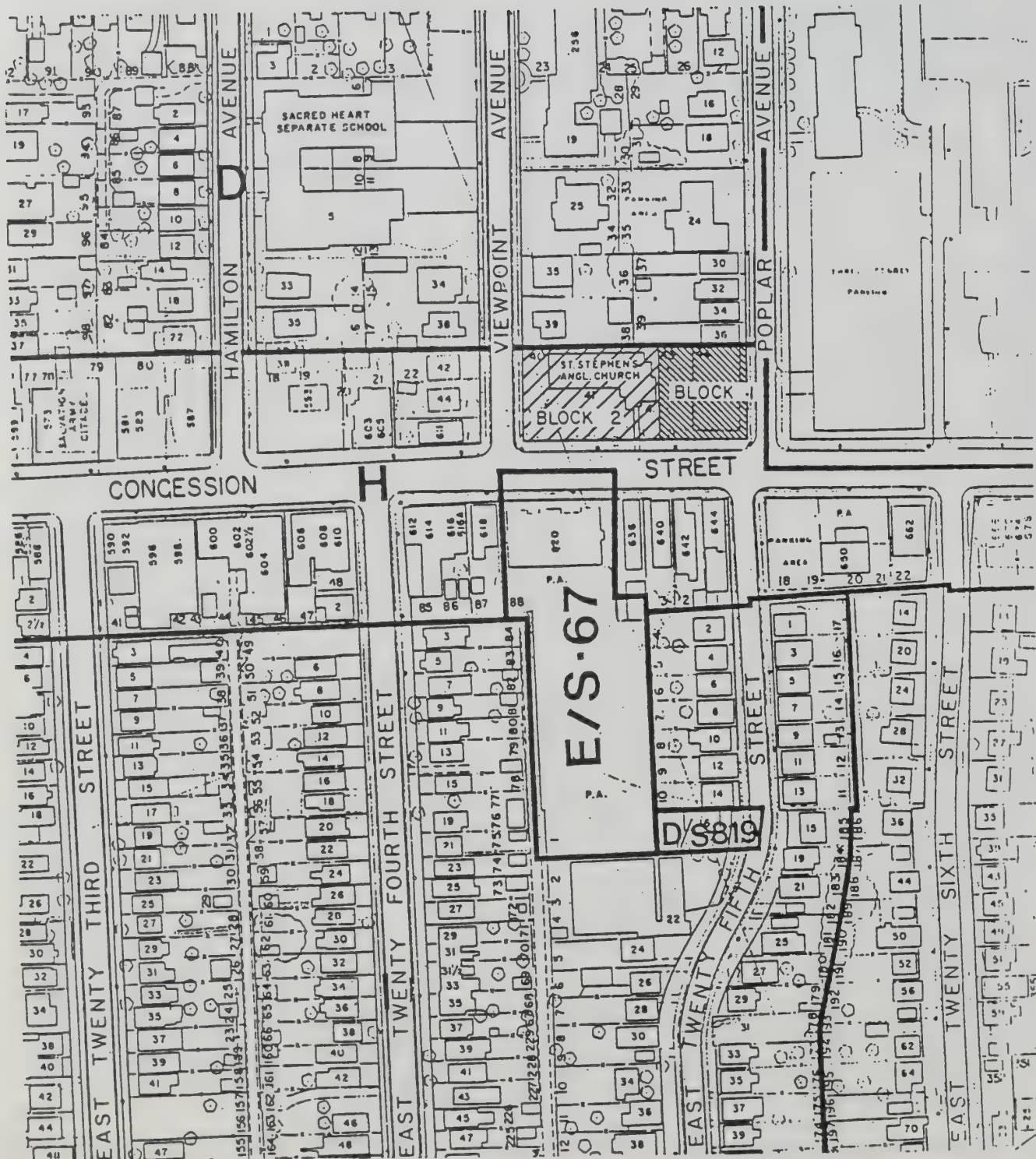
Legend



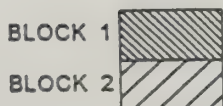
Site of the Application



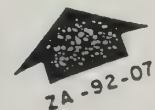
CI-92-E



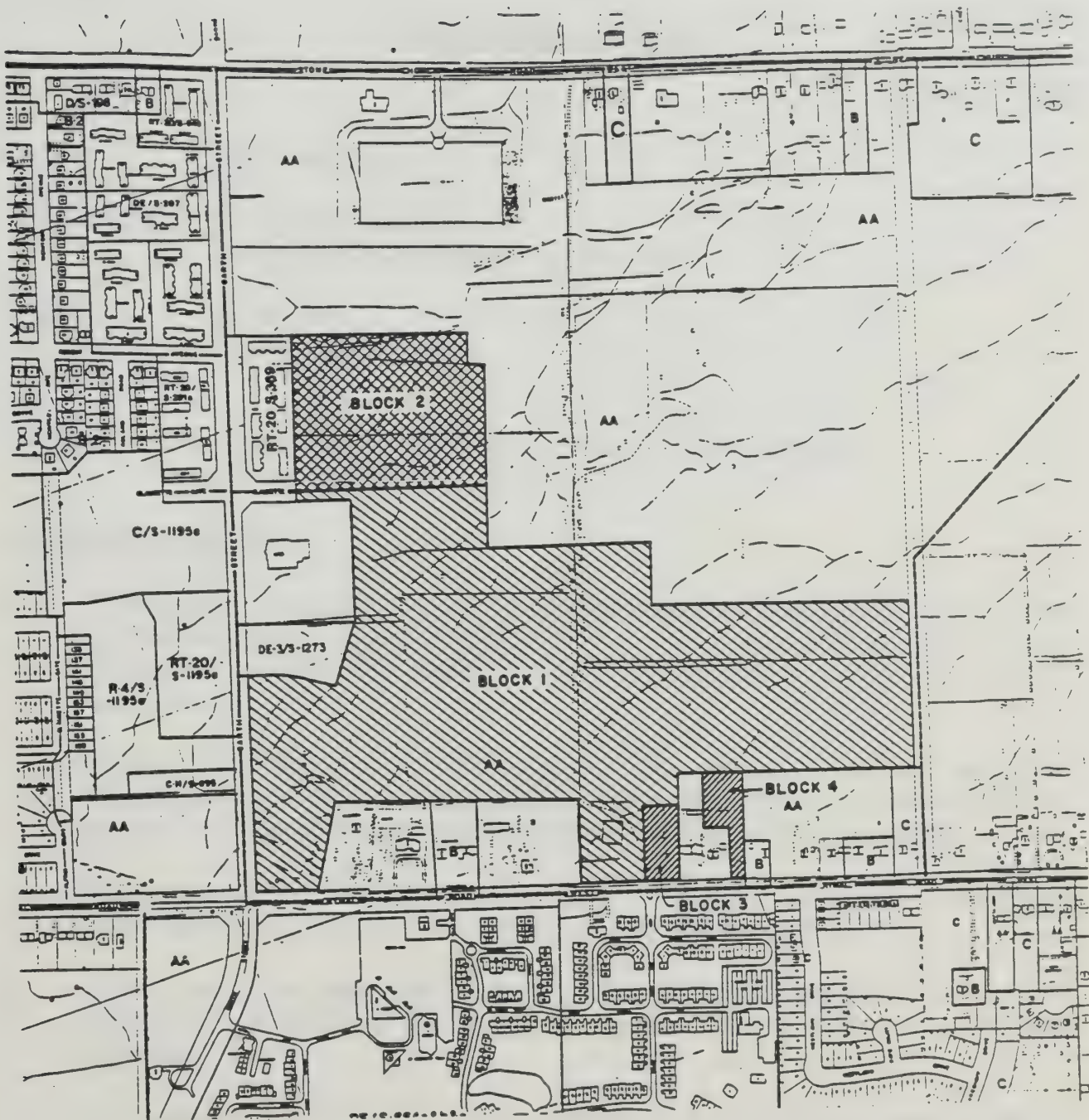
Legend



Change in zoning from "H" (Community Shopping and Commercial, etc.) District
to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.






**Appendix "H" as referred to
in Item 10(B) of the Planning and
Development Committee Meeting held
1993 January 20th**



Legend

Proposed change in zoning from:

- | | | |
|--------------|---|--|
| BLOCK 1 |  | *AA* (Agricultural) District to *DE* (Low Density Multiple Dwellings) District, modified.. |
| BLOCK 2 |  | *AA* (Agricultural) District to *RT-20* (Townhouse-Maisette) District. |
| BLOCKS 3 & 4 |  | *AA* (Agricultural) District to *B-2* (Suburban Residential) District. |



CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED **B**
JAN 27 1993
CITY CLERKS

DATE: 1993 January 27

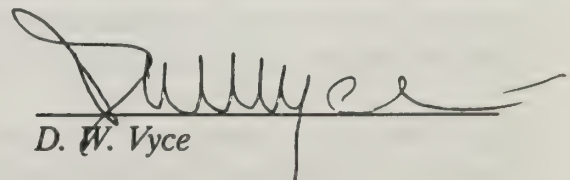
REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: D. W. Vyce
Director of Property

SUBJECT: MacNab Street Truck Tunnel - Unitel Cable Installation
- Lloyd D. Jackson Square

RECOMMENDATION:

- a) That approval be given to Unitel Communications Inc. to construct, maintain, and operate two fibre optic cables in that portion of the MacNab Street Truck Tunnel, which lies between King Street West and Main Street West, under the City's jurisdiction;
- b) That an agreement between The Corporation of the City of Hamilton and Unitel Communications Inc. be entered into, in a form satisfactory to the City Solicitor, prior to the commencement of the installation of the conduits and cables;
- c) That the term of the agreement be at the sole pleasure of City Council and cancellable upon 90 days written notice to Unitel by the City;
- d) That Unitel be required to pay for the City's reasonable administrative costs incurred in the course of arranging this agreement, together with the City's reasonable legal expenses;
- e) That the Mayor and City Clerk be authorized to execute this agreement on behalf of the City.


D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

Unitel Communications Inc., a company engaged in the business of voice and data transmission for the purpose of communications, has approached the City with the request to construct, maintain, and operate fibre optic cables in that portion of the MacNab Street truck tunnel lying between King Street West and Main Street West, the part of the tunnel which is under the jurisdiction of the City. The installation will include the drilling of two 4" diameter holes in the most westerly 10" concrete wall of the tunnel and the placement of steel conduits affixed to the ceiling of the tunnel to house the cable. The fibre optic cable will provide service to the buildings within the Lloyd D. Jackson Square complex and its many tenants.

The work will be carried out by qualified, bonded contractors and performed to the satisfaction of the Director of Property.

A formal written agreement will be finalized between the City and Unitel prior to commencement of any work on the project. The agreement, among other things, will provide that Unitel indemnify and save harmless, the City against and from all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the City may bear, suffer, incur or become liable for arising out of the City granting this privilege to Unitel. This assumption of liability shall be in place during and after construction whilst the cable is in place.

Approval of this cable installation within the tunnel is not a permanent right, but is at the sole pleasure of City Council and cancellable upon 90 days written notice to Unitel by the City. A public liability and property damage insurance policy in the minimum amount of \$3,000,000. naming the City as an insured party will be kept in force throughout the term of the agreement.

Unitel is prepared to reimburse the City for its reasonable administrative and legal cost incurred in the course of arranging this agreement. Administrative costs are estimated to be approximately \$700.00 plus legal expenses.

Unitel wishes to enter into a formal agreement as expeditiously as possible. I have discussed this matter with the City Solicitor. Mrs. Noé Johnson proposes to utilize the services of outside legal counsel to prepare the agreement, with Unitel being responsible for the payment of the cost of retaining the said legal services.

1993 January 27

Planning & Development Committee

Page 3

c.c. P. Noé Johnson, City Solicitor
R. Swan, Manager, Building Operations & Maintenance Division
P. Noé Johnson, City Solicitor
Attention: D. Powers
T. Gill, Senior Director, Transportation Services Department
Attention: J. Clairmount

C.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JAN 22 1993

CITY CLERKS

DATE: 1993 January 19

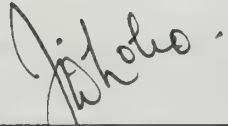
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo,
Director of Public Works

SUBJECT: Application for Funding Under the Federal Job
Development Grant Programme

RECOMMENDATION:

- a) That the Community Renewal Section of the Public Works Department be authorized to make application to the Federal Government, Canadian Job Strategies Unit, for funds under the Job Development Grant Programme totalling approximately \$100,000. to hire temporary full-time staff for placement in a central Business Improvement Area office located on Barton Street to carry out special projects for the Public Works Department in co-operation with Hamilton's B.I.A.'s; and,
- b) That the City of Hamilton through the Commercial Improvement Programme and Phase IV of the Downtown Action Plan, Business Development Seminar, contribute \$3,000. towards the Job Development Grant overhead costs (\$1,500. each); and,
- c) That the Mayor and City Clerk be authorized to sign the Federal/Municipal Agreement for the purpose of implementing the Job Development Grant Programme; and,
- d) That the City Treasurer be authorized to carry out the payroll administration of the Job Development Grant Programme; and,
- e) That the Public Works Department, Community Renewal Section be authorized to carry out all remaining financial administrative duties for the Job Development Grant Programme.

inc.


Mr. D. Lobo,
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available within the Commercial Improvement Programme (Account Number CF 5698 4287 05008) and in the Downtown Action Plan, Phase IV, Business Development Seminar (Account Number CF 5625 4288 03006) in the amount of \$1,500. each to cover overhead costs such as rent and utilities, etc. B.I.A.'s who participate in the Programme will also be requested to contribute funds to cover these overhead costs.

BACKGROUND:

This the third year that the City of Hamilton in co-operation with the Business Improvement Areas has made application through the Federal Government Canadian Job Strategies under the Job Development Programme.

This Grant will provide the following staff:

Project Manager
Administrative Assistant
Researcher
Communications Officer
Promotional Planner

Together, these employees will carry out a number of special tasks for the B.I.A.'s and the City of Hamilton:

- to promote and educate B.I.A. members on the use of the various newly created B.I.A. Manuals
- to carry out a number of essential tasks for the Business Development Seminar i.e. registration, promotion, advertising, etc.
- to assist with revitalization efforts within the Barton General B.I.A.
- to work with Ontario Downtowns on their new D-Base System for B.I.A.'s

- to work with various municipal agencies and departments marketing their seminars, special events and programmes to the business community and general public i.e. Business Development Seminar, Business Advisory Centre Seminars, Friends of the Park Programme, etc.
- to assist B.I.A. 's to link up with the volunteer community to assist them with special events, etc.

The objective of the Job Development Grant Programme is to assist unemployed individuals to participate effectively in the labour market through training and work experience while at the same time, providing the employer with staff to carry out special projects that would not normally be carried out through the existing work force.

JMcN:bk

cc: Ms. P. Noe Johnson, City Solicitor
Law Department

Mr. A. Ross, City Treasurer
Treasury Department

Mrs. S. Reeder, Secretary
Finance and Administration Committee

Mr. D. Farquhar, Manager of Administration
Public Works Department

Mr. L. Borelli, Recruiting Assistant
Human Resources Centre

CITY OF HAMILTON

- RECOMMENDATION -

Dal

RECEIVED

DATE: January 18, 1993.

JAN 19 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

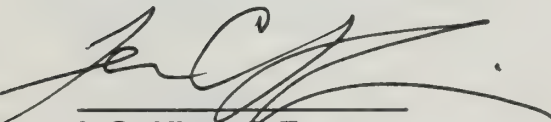
CITY CLERKS

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
221 FERGUSON AVENUE SOUTH (93.2.4.2.1.A)

RECOMMENDATION:

That a Designated Property Grant in the amount of seven hundred and ninety seven dollars (\$797) be provided to Ilze Dreimanus.



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. In the past, the City could "front-end" the costs and then submit claims for reimbursement. The Province is now saying that there is no guarantee of funding. All applications must be submitted to them and they will notify the Municipality which applications will be funded through the balance of the fiscal year.

January 18, 1993

The financial terms of the Programme have not changed as they provide the owners of heritage properties with a grant of up to \$3,000 or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this has been done in this case. The owner of the designated property at 221 Ferguson Avenue South has applied under the Programme for the replacement of the existing front door with one identical to the original.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Taylor Made Cabinets and Renovations' estimate.

The Loans Section of the Building Department recommends that a Designated Property grant in the amount of \$797 be approved.

c.c. - R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

Dbj
RECEIVED
JAN 26 1993

CITY CLERKS

DATE: January 26, 1993

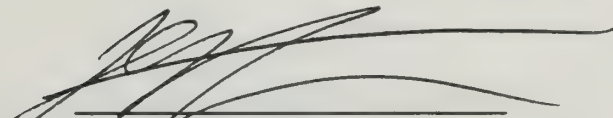
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
15 LIMERIDGE ROAD EAST - Tag Number 88493
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 15 LIMERIDGE ROAD EAST.



L.C. King, P. Eng.

LCK/BB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant (See Below)

BRIEF DESCRIPTION: 1 and 2 storey brick veneer split level house

The Region wishes to demolish the house for the purpose of the Red Hill Creek Expressway. No historical interest. Lot size 80' x 154'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

1930

1930

1930

1930

1930

1930

1930

1930

1930

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JAN 26 1993

CITY CLERKS

DATE: January 26, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
23 LIMERIDGE ROAD EAST - Tag Number 88494
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 23 LIMERIDGE ROAD EAST.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant (see below)

BRIEF DESCRIPTION: 1½ storey wood siding house

The Region wishes to demolish the house for the purpose of the Red Hill Creek Expressway. No historical interest. Lot size 47.68' x 154.9'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JAN 26 1993

CITY CLERKS

DATE: January 26, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
31 LIMERIDGE ROAD EAST - Tag Number 88495
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 31 LIMERIDGE ROAD EAST.



L.C. King, P. Eng.

LCK/EB/zr
WP

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant (see below)

BRIEF DESCRIPTION: 1 floor aluminium clad house

The Region wishes to demolish the house for the purpose of the Red Hill Creek Expressway. No historical interest. Lot size 100' x 139.9'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

CITY OF HAMILTON
- RECOMMENDATION -

Dbiv
RECEIVED

JAN 26 1993

CITY CLERKS

DATE: January 26, 1993

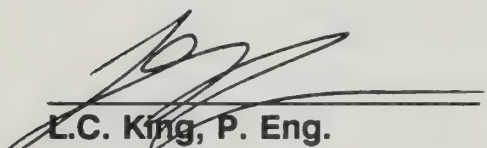
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
418 LIMERIDGE ROAD EAST - Tag Number 88416
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **418 LIMERIDGE ROAD EAST.**


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: DE/S-1049

PRESENT USE: Real Estate Sales Office

PROPOSED USE: New Residential Development

BRIEF DESCRIPTION: 1 storey wood frame house

Demolish existing sales office and build new residential development. No historical interest. Lot size 128.5' x 219.24'.

The owner of the property as per the demolition permit is:

Mr. G.F. Vulker
966 Old Mohawk Road
Ancaster, Ontario

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JAN 26 1993

CITY CLERKS

DATE: January 26, 1993

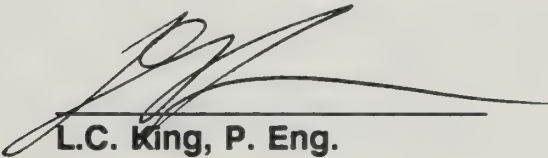
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
217 BRANT STREET
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **217 BRANT STREET**.



L.C. King, P. Eng.

LCK/EB/zr

WJ
FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" Heavy Industrial

PRESENT USE: Single Family Dwelling

PROPOSED USE: See below

BRIEF DESCRIPTION: 2½ storey masonry house

Building is in a run-down condition and will be demolished for the Alpha West Residential Enclave Clearance. No historical interest. Lot size 25' x 80'.

The owner of the property as per the demolition permit is:

City of Hamilton
Property Department
Real Estate Division

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JAN 26 1993

CITY CLERKS

DATE: January 26, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
79 HILLVIEW STREET - Tag Number 88343
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 79 HILLVIEW STREET.


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C/S-720 Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 2½ storey wood frame house (steel siding)

The owner wishes to demolish the present house and erect a new one. Not listed on any historical lists. Lot size 40' x 135'.

The owner of the property as per the demolition permit is:

Philip Mancini
17 Winthrop Place
Stoney Creek, Ontario

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED *Devin*

JAN 26 1993

CITY CLERKS

DATE: January 26, 1993

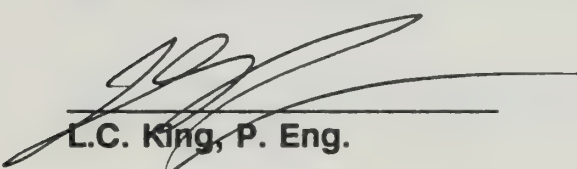
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
18 SILVERTON AVENUE (presently known as
1486 Upper Ottawa Street) - Tag Number 88442
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 18 SILVERTON AVENUE (presently known as 1486 Upper Ottawa Street).


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 1 storey wood frame dwelling

The owner wishes to demolish the present building and erect a new single family dwelling. Not listed on any historical lists. Lot size is 39.5' x 189'.

The owner of the property as per the demolition permit is:

712176 Ontario Inc.
5787 Twenty Road East
E.R.P. Box 40
Hannon, Ontario

E a)

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

JAN 26 1993

CITY CLERKS

DATE: 1993 January 25
P5-2-45

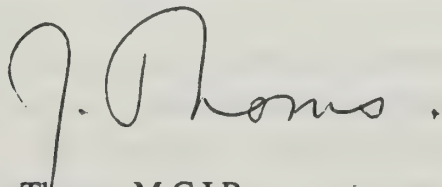
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

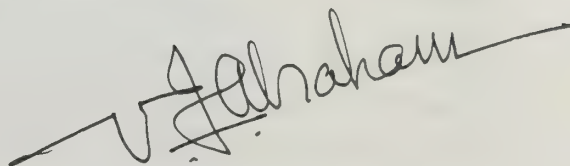
SUBJECT: Authorization for a Public Meeting - Proposed Plan,
Falkirk West Neighbourhood

RECOMMENDATION:

That the Planning and Development Committee authorize a public meeting to discuss the proposed Neighbourhood Plan and accompanying Official Plan amendment.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On January 21, 1986 Arosa Properties Limited submitted a zoning application to permit: A low density apartment development consisting of 260 apartment units in 22 buildings with a maximum height of three storeys at 713 Stone Church Road West.

On March 26, 1986 the application was recommended for denial by the Planning and Development Committee because:

1. There is no approved plan for the Falkirk West Neighbourhood in the south drainage area;
2. The development proposal may prejudice the future design of the balance of the Neighbourhood; and,
3. Municipal sewer services were not available at the time.

On April 8, 1986 Council subsequently denied the application.

On April 28, 1986, May, Pirie and Associates (on behalf of Arose Properties Limited) requested authorization from the Planning and Development Committee to prepare a proposed plan for the Falkirk West Neighbourhood.

On July 9, 1986 the Planning and Development Committee authorized the preparation of a Neighbourhood Plan by May, Pirie and Associates (on behalf of Arosa Properties and at their cost) be proceeded with at this time under the direction of the Planning and Development Department.

A Background Information Report has been prepared in consultation with Planning staff. The proposed plan and documents as prepared by the consultants have been reviewed by City and Regional Departments, Public and Separate School Boards, Conservation Authority and adjacent municipalities, and have been subject to several revisions. Attached is the proposed Neighbourhood plan as prepared by the consultant.

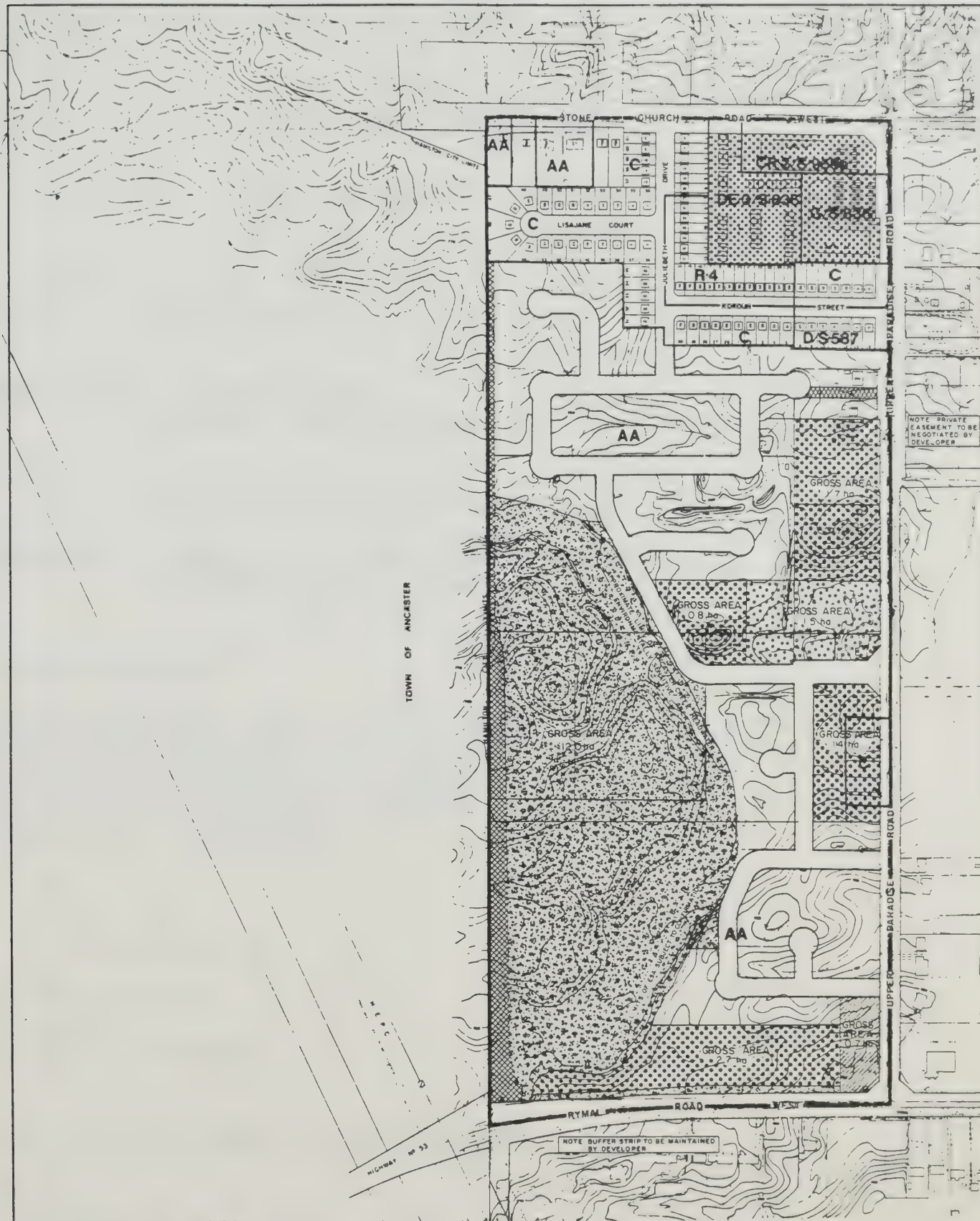
Sewers are available to enable the Falkirk Neighbourhood to be opened up for Urban Development.

CONCLUSION:

A public meeting should now be held to obtain input from property owners and affected citizens on the proposed draft Neighbourhood Plan.

G.G.:ns

FALKIRK.WES



NOTE THIS NEIGHBOURHOOD PLAN SHOULD BE READ IN CONJUNCTION WITH THE POLICIES CONTAINED IN THE FALKIRK WEST NEIGHBOURHOOD PLAN.

City of Hamilton
Neighbourhood Location



1991 POPULATION 430

Land Use

Residential	Non-Residential
Single and Double	Commercial
Attached Housing	Industrial
Low Density Apartments	Civic and Institutional
Medium Density Apartments	Park and Recreational
High Density Apartments	Open Space
Commercial and Apartments	Utilities

Note: This is a guide plan only and is subject to change. For details consult the Local Planning Division of the Regional Municipality of Hamilton-Wentworth.

Neighbourhood Boundary	Approvals
Zoning Boundary	Planning Comm.
Site Plan Control Boundary	Council

JANUARY 1993
FALKIRK WEST
PROPOSED PLAN

Prepared for the City of Hamilton by the Planning and Development Department
Regional Municipality of Hamilton-Wentworth

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JAN 27 1993

CITY CLERKS

DATE: 1993 January 26
(P5-2-10 and P5-2-21)

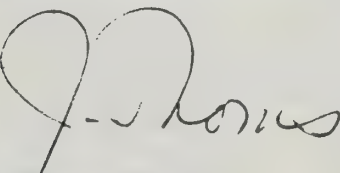
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

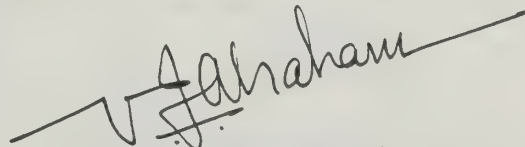
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Authorization for a Public Information Meeting -
Central/Beasley Neighbourhoods

RECOMMENDATION:

That the Planning and Development Committee give authorization to the Planning and Development Department to hold a Public Information Meeting for the Central and Beasley Neighbourhoods (see APPENDICES "A" AND "B") to advise area residents, businesses and organizations of the Neighbourhood Plan Reviews and to solicit concerns and issues about the Neighbourhoods which may be addressed during the Review Process.


J.D. Thoms, M.C.I.P.,
Commissioner
Planning and Development


V.J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Department is undertaking a Neighbourhood Plan Review for both the Central and Beasley Neighbourhoods. The intent of the Public Information Meeting is to elicit information from area residents, businesses, organizations within the Neighbourhoods as to the concerns and issues that affect their area.

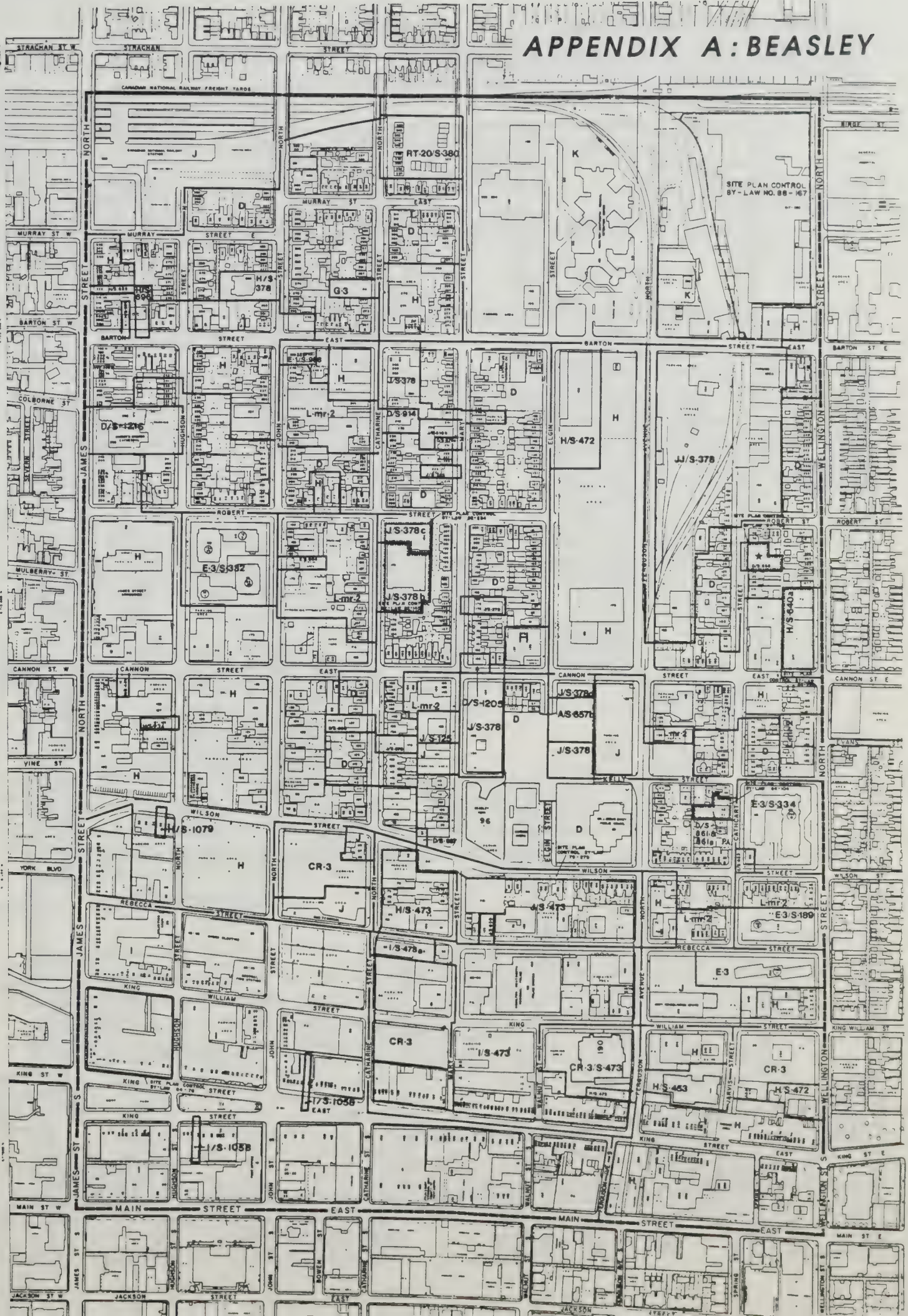
In addition, the Central/Beasley Neighbourhood Review Team will be established to review and re-evaluate the existing Neighbourhood Plans (see APPENDIX "C"). It is hoped this Public Information Meeting may attract individuals to participate in the project who might not otherwise be interested in being a member of the Review Team.

It is proposed this Meeting will be scheduled for February and the advertisement for Review Team members will be placed in the newspaper following this Meeting.

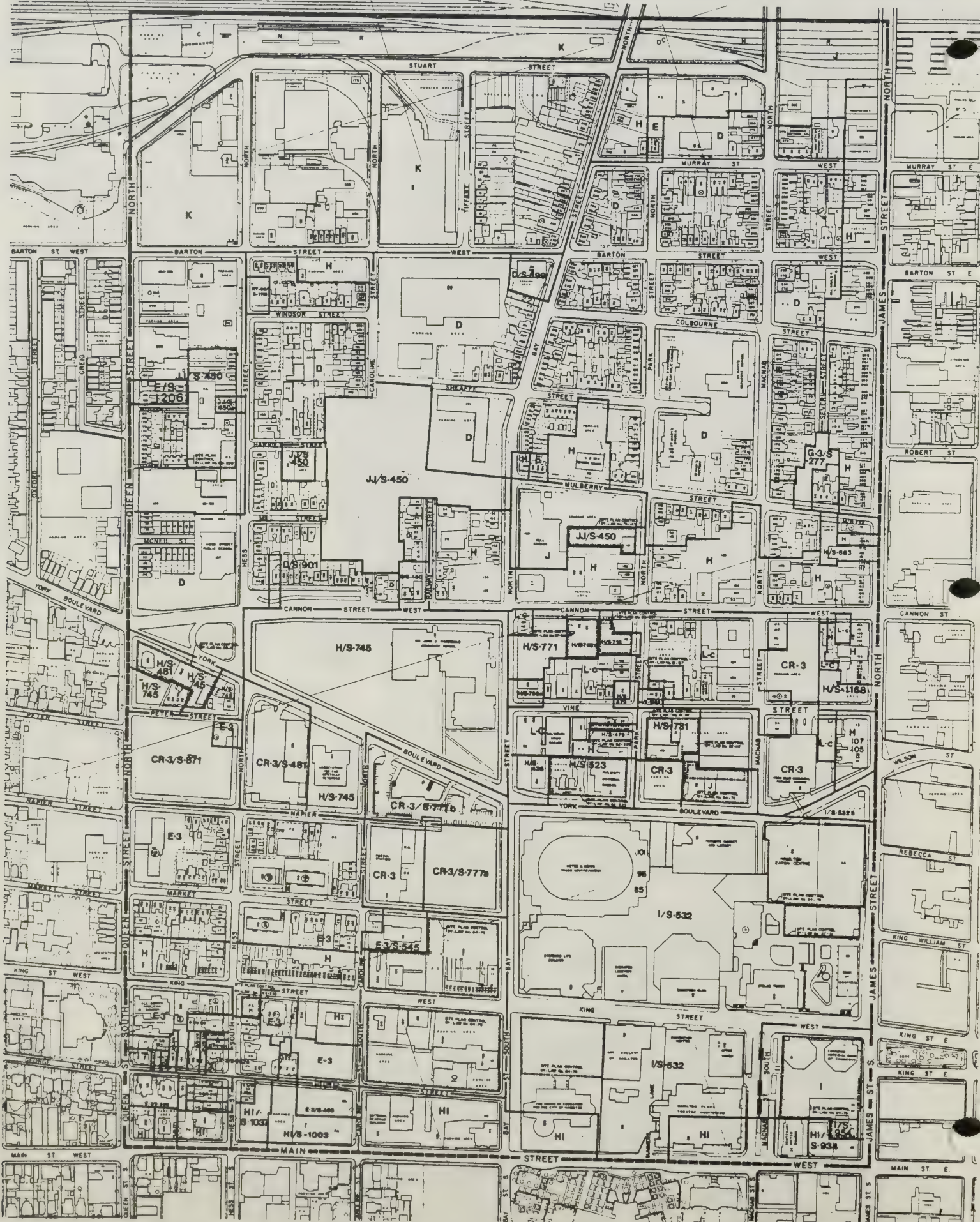
JHE

a:tofr.cb

APPENDIX A: BEASLEY



APPENDIX B : CENTRAL



TERMS OF REFERENCE

CENTRAL/BEASLEY NEIGHBOURHOOD PLAN REVIEW TEAM

PURPOSE:

The purpose of the Review Team is to review, re-evaluate and revisit the existing Neighbourhood Plans for both the Central and Beasley Neighbourhoods, to determine if the land use, planning policies and designations are appropriate for the 1990's. In addition, the Review Team may identify other areas of concern that are affecting their neighbourhoods.

BACKGROUND:

The Central Area, which is partially comprised of the Central and Beasley Neighbourhoods, was subject of an extensive review culminating in the adoption of Official Plan Amendment No. 66. It should be noted this Amendment has been forwarded to the Ontario Municipal Board.

In 1992, City Council approved the redevelopment of Carter Square, a 5.66 ha parcel of land located on Ferguson Avenue North, between Cannon Street East and Barton Street East, for stacked townhouses and apartment units as well as mixed use on Barton Street and commercial development on Cannon Street.

The Planning and Development Department has prepared Neighbourhood Profiles which include detailed housing and demographic characteristics, existing land use, traffic patterns, social, cultural, recreational facilities, historic and current planning controls. These Profiles will serve as the starting point in the review of the Central/Beasley Neighbourhood Plans.

ROLE OF THE COMMITTEE:

The role of the Review Team is one of an advisor to the Planning and Development Committee. Once the Team has prepared their report/plan, it(they) will be circulated to other Departments and Agencies for comments. The Planning and Development Department will also submit a report to the Planning and Development Committee (a sub Committee of City Council) in conjunction with the Team report.

MEMBERSHIP:

One of the most important criteria in the development of the Team is to select persons who represent a wide variety of interest groups (i.e. residents, business people, church groups, etc.) in the community, thereby providing a balanced approach in the review of the existing Neighbourhood Plans.

The membership of the Review Team should be a maximum of 14 people and consist of the following people:

- the two Ward Aldermen;
- a representative from each of the following existing Advisory Committees: CAPIC, Central/Beasley PRIDE HINT; Ferguson Avenue Redevelopment Advisory Committee; the International and Downtown BIA's; the James Street Businesses; and the Beasley Neighbourhood Association;
- a representative from a business west of James Street; and,
- 4 to 7 citizens at large, (the composition will be a balance from each of the 2 Neighbourhoods).

Where a representative of one of the Advisory Committees is a member of another Committee, then he/she may be considered to represent both the Committee(s) and the Review Team, if the representative committees so chose. The number of citizens at large depends on the number of people that represent more than one Advisory Committee. For example if a member represents three Advisory Committees then the total number of citizens at large would be six, to make a total of 14 members.

The Chair of the Review Team should be the Ward alderman that is a member of the Planning and Development Committee or another person selected by the Team. A Vice-Chair will also be selected by the Team.

SELECTION PROCESS:

Each Advisory Committee will be requested to select a member for the Central/Beasley Neighbourhood Plan Review Team.

For the selection of citizens at large, an advertisement will be placed in the Hamilton Journal and/or the Hamilton Spectator requesting letters of interest from area residents. The letter of interest should contain information pertaining to the individuals' reasons for sitting on the Committee, the problems and challenges facing the neighbourhood; and their past involvement in City Hall Committees or other relevant experience.

Once the letters of interest are received, interviews will be held to select the citizens. The appointment of the citizens will be approved by Planning and Development Committee.

BACKGROUND:

The Planning and Development Department is undertaking a Neighbourhood Plan Review for both the Central and Beasley Neighbourhoods. The intent of the Public Information Meeting is to elicit information from area residents, businesses, organizations within the Neighbourhoods as to the concerns and issues that affect their area.

In addition, the Central/Beasley Neighbourhood Review Team will be established to review and re-evaluate the existing Neighbourhood Plans (see APPENDIX "C"). It is hoped this Public Information Meeting may attract individuals to participate in the project who might not otherwise be interested in being a member of the Review Team.

It is proposed this Meeting will be scheduled for February and the advertisement for Review Team members will be placed in the newspaper following this Meeting.

JHE

a:tofr.cb

EC
RECEIVED

JAN 27 1993

CITY OF HAMILTON

- RECOMMENDATION -

CITY CLERKS

DATE: 1993 January 25

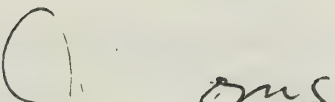
REPORT TO: Tina Agnello
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

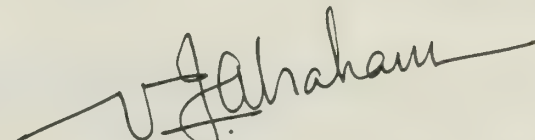
SUBJECT: Extension of Draft Approval for "Battleridge" Subdivision.

RECOMMENDATION:

That the Region be requested to grant a three-year extension to the draft approval for "Battleridge" Subdivision (Regional File No. 25T-76024).



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: Sunshine Homes and DiCenzo Construction Co. Ltd.

HISTORY:

Battleridge Subdivision - Gershome Neighbourhood:

Draft plan was approved August 29, 1980, for 77 lots for single-family dwellings, 31 lots for semi-detached dwellings (62 units) and 3 blocks for townhouse dwellings (approximately 149 units).

One phase of this plan was registered in 1983 for 51 lots for single-family dwellings.

Phase 2 (under separate file as part of a previous townhouse block) was registered in 1984 for 18 lots for single-family dwellings.

Draft plan approval has been extended annually since 1983.

Present lapsing date is February 28, 1993.

The owner is requesting a further extension for a three-year period on the basis that the developer is currently negotiating with adjacent owners to assemble lands for roadways and is addressing the concerns of the Ministry of Transportation in regard to noise abatement and access from Highway No. 20.

CONCLUSIONS:

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and since no request was made to revise the plan or the conditions, the request may be supported for a three-year extension.



LOCATION PLAN FOR

BATTLERIDGE SUBDIVISION

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
PLANNING AND DEVELOPMENT DEPARTMENT

LEGEND



PROPOSED SUBDIVISION



SCALE

NONE

DATE

JAN. 1993

REFERENCE FILE No.

25T-76024

DRAWING No.

85-H-118

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JAN 27 1993

CITY CLERKS

DATE: 1993 January 22

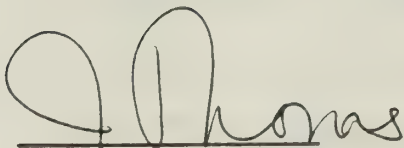
REPORT TO: Tina Agnello
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

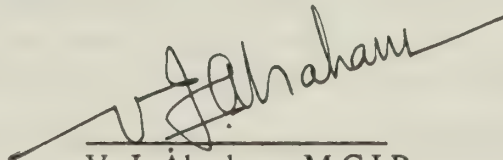
SUBJECT: Proposed Draft Plan of Condominium, Robertson Place - Phase 1 and 2.

RECOMMENDATION:

- A. That approval to given to application 25CDM-90012, Michael McConnell, Mary McConnell, Frederick Luchak, owners, to establish a draft plan of condominium located on the north-east corner of Herkimer Street and Park Street South, subject to the following conditions.
- a) That this approval apply to the plans prepared by Ashenhurst Nouwens Limited for Phase 1 and 2 dated July 16, 1990, showing a total of 7 residential units.
 - b) That Site Plan Control Application DA-92-40 be finalized prior to the release of the final plan of condominium for Phase 2 by the City of Hamilton.
- B. That the Commissioner of Planning and Development for the Regional Municipality of Hamilton-Wentworth be advised by Council's decision.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Michael McConnell, Mary McConnell, Frederick Luchak, Dundas, Ontario.

Surveyor:

Ashenhurst Nouwens Limited, Hamilton, Ontario.

Location:

The lands, comprising 0.115 ha, are located on the north-east corner of Herkimer Street and Park Street South in the Durand Neighbourhood, City of Hamilton.

Proposal:

The owner proposes to establish a 7 unit residential development in two buildings as a condominium project in two phases.

Phase 1 is an existing single family residence which has been converted to four apartment units and Phase 2 will be a new building to be constructed with a facade similar to the existing building, containing three apartment units.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan:

The lands are designated "low density apartments". The proposal complies.

Zoning - the lands are zoned "DE-3" Multiple Dwellings district". The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore, the regulations do not apply.

Comments from Circulation:

No circulated agency raised any objection toward the proposal and no agency requested any condition of approval.

The former Regional Department of Engineering has submitted the following comments and recommendations:

"RECOMMENDATIONS:

1. *No conditions are required.*

FOR INFORMATION:

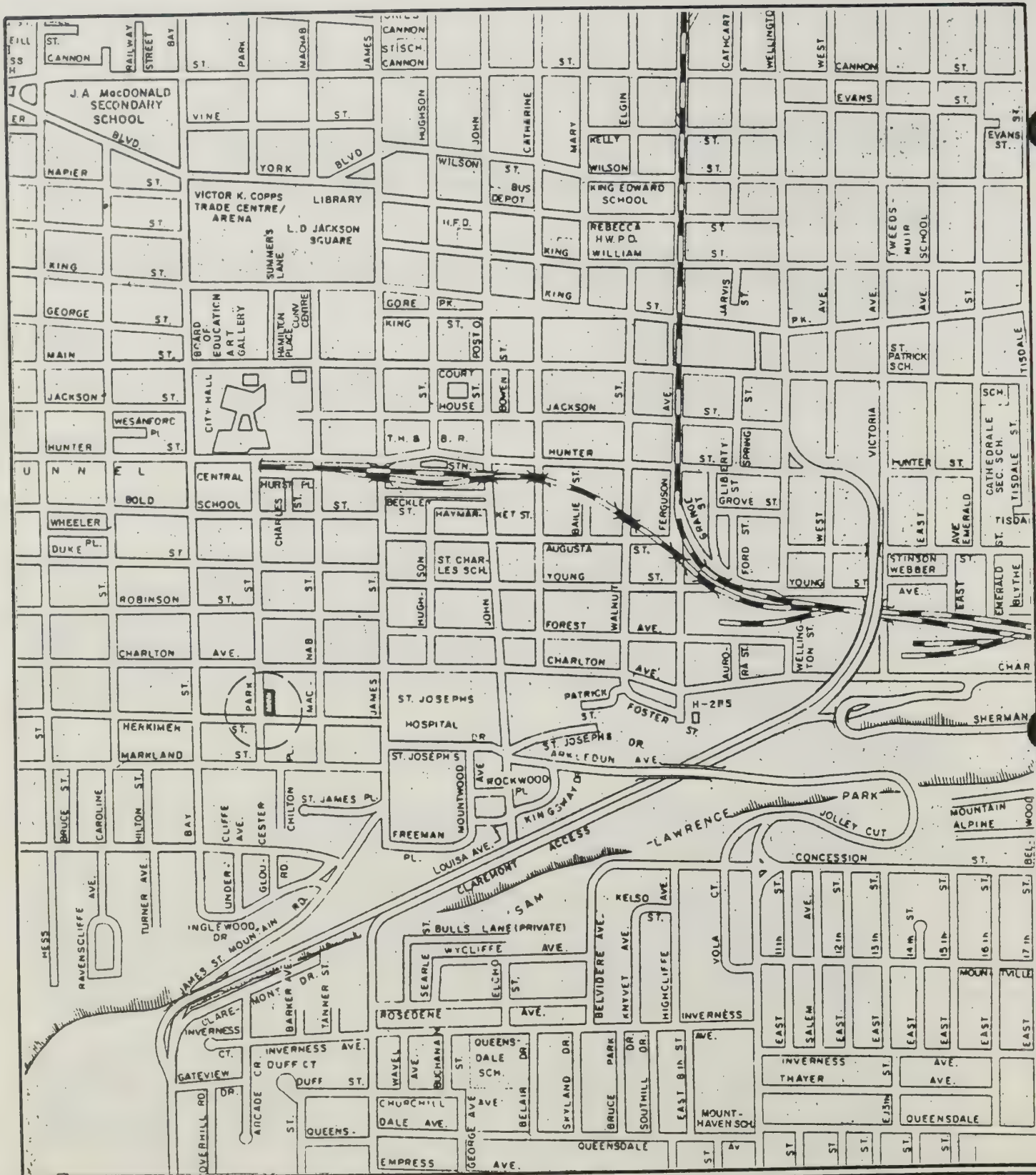
1. *Municipal watermains and sewers are available to service this proposal.*
2. *No road allowance widenings are required for this development on either Park Street South or Herkimer Street.*

The plan submitted, as prepared by Ashenhurst Nouwens Limited and dated July 16, 1990 is satisfactory to the Department of Engineering, subject to the above noted comments and recommendations."

COMMENTS:

1. This proposal is to convert an existing single family residence to four condominium units. It therefore does not require approval under the Rental Housing Act.
2. As the Phase 1 building is existing, no Site Plan Control Application was required. The Site Plan Control Application for Phase 2 identified several variances to the By-law which were required including one which would apply to the rear yard on the Phase 1 plan. All required variances have been considered and approved by the Committee of Adjustment under Application No. A-92: 159.
3. The Site Plan Control Application for Phase 2 has been approved. However, the modifications to the plan required before they can be executed are still in preparation, therefore, a condition should be recommended that the Site Plan Control Application DA-92-40 be finalized prior to the City of Hamilton releasing the Phase 2 plan for final approval.
4. No objection has been received toward the condominium project and no other conditions of approval have been requested.

CMD:dc



Location Plan For

ROBERTSON PLACE

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North

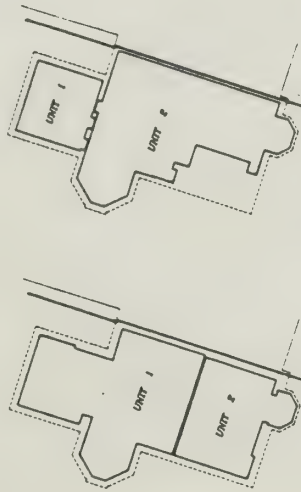
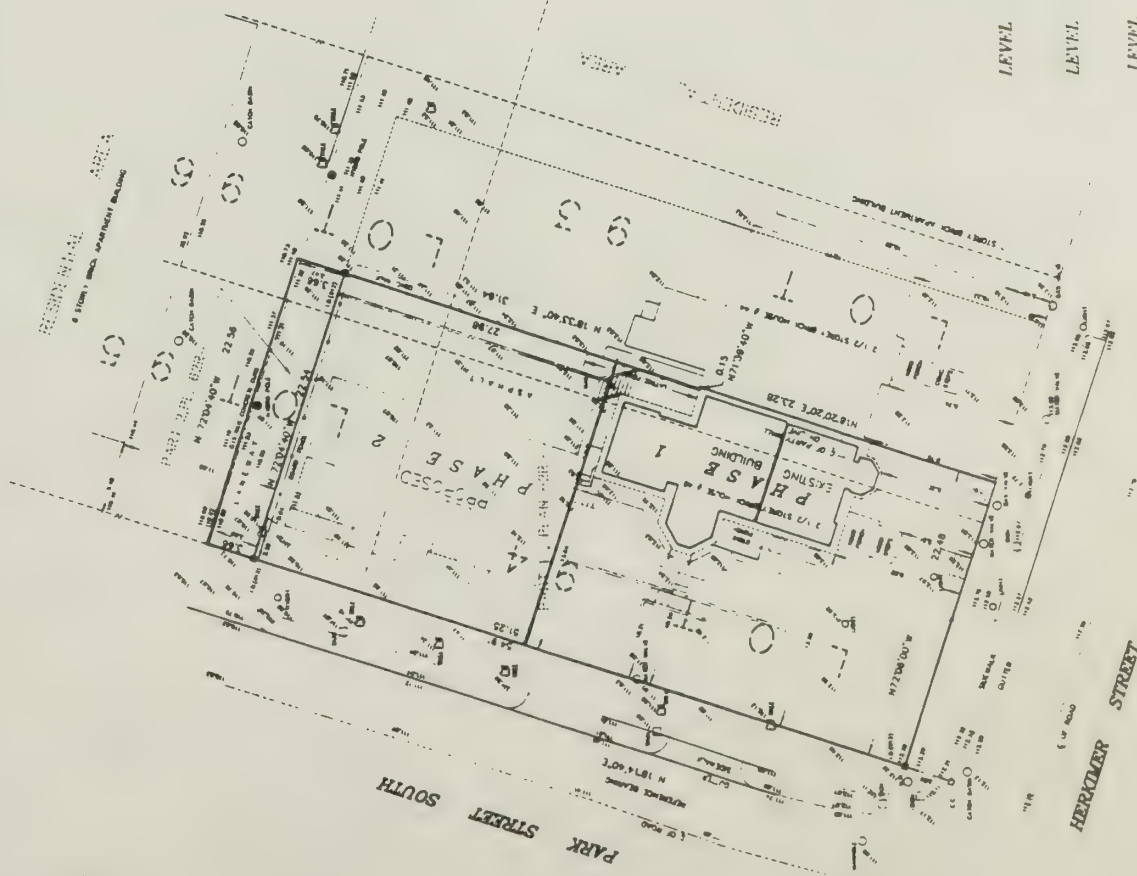


Scale
1" = 1000'

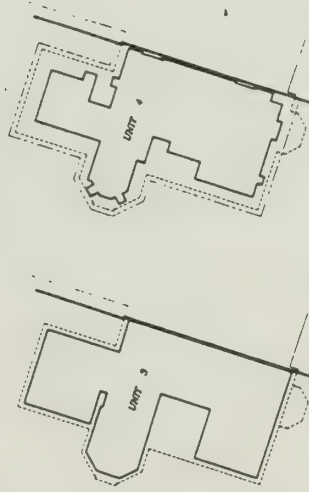
Date
JAN. 4, 1991

Reference File No.
25CDM-90012

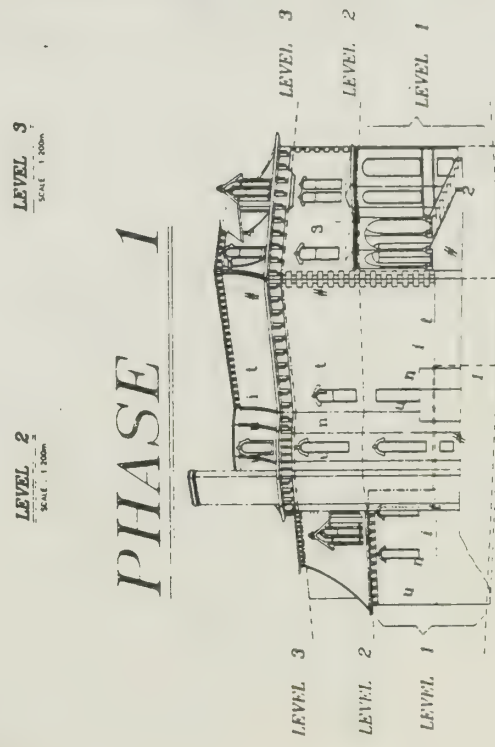
Drawing No.



LEVEL 1
SCALE: 1:200m

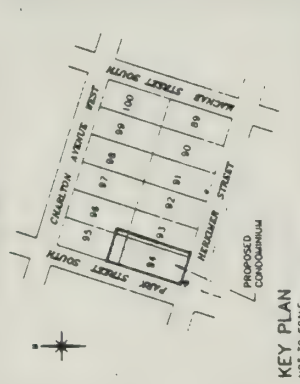


LEVEL 2
SCALE: 1:200m



PERSPECTIVE
NOT TO SCALE

PHASE 1



KEY PLAN
NOT TO SCALE

METRIC NOTE

ALL DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE

I, the undersigned, being the owner of the land shown on the plan, hereby certify that the plan is a true and correct copy of the plan as approved by the City of Hamilton.

DATE: Aug 10/90
Signature: Michael McConnell
Name: MICHAEL MCCONNELL

DATE: Aug 10/90
Signature: Mary McConnell
Name: MARY MCCONNELL

DATE: Aug 10/90
Signature: Fred Luchak
Name: FRED LUCHAK

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified surveyor of the Province of Ontario, hereby certify that the plan is a true and correct copy of the plan as approved by the City of Hamilton.

DATE: Aug 10/90
Signature: John P. Nouwens
Name: JOHN P. NOUWENS
OFFICIAL LAND SURVEYOR

SCHEDULE: RE: SECTION 50(2)

- 1. SHOWN
- 2. SHOWN
- 3. SHOWN
- 4. SHOWN
- 5. SHOWN
- 6. SHOWN
- 7. SHOWN
- 8. SHOWN
- 9. SHOWN
- 10. SHOWN
- 11. SHOWN
- 12. SHOWN
- 13. SHOWN
- 14. SHOWN
- 15. SHOWN
- 16. SHOWN
- 17. SHOWN
- 18. SHOWN
- 19. SHOWN
- 20. SHOWN
- 21. SHOWN
- 22. SHOWN
- 23. SHOWN
- 24. SHOWN
- 25. SHOWN
- 26. SHOWN
- 27. SHOWN
- 28. SHOWN
- 29. SHOWN
- 30. SHOWN
- 31. SHOWN
- 32. SHOWN
- 33. SHOWN
- 34. SHOWN
- 35. SHOWN
- 36. SHOWN
- 37. SHOWN
- 38. SHOWN
- 39. SHOWN
- 40. SHOWN
- 41. SHOWN
- 42. SHOWN
- 43. SHOWN
- 44. SHOWN
- 45. SHOWN
- 46. SHOWN
- 47. SHOWN
- 48. SHOWN
- 49. SHOWN
- 50. SHOWN
- 51. SHOWN
- 52. SHOWN
- 53. SHOWN
- 54. SHOWN
- 55. SHOWN
- 56. SHOWN
- 57. SHOWN
- 58. SHOWN
- 59. SHOWN
- 60. SHOWN
- 61. SHOWN
- 62. SHOWN
- 63. SHOWN
- 64. SHOWN
- 65. SHOWN
- 66. SHOWN
- 67. SHOWN
- 68. SHOWN
- 69. SHOWN
- 70. SHOWN
- 71. SHOWN
- 72. SHOWN
- 73. SHOWN
- 74. SHOWN
- 75. SHOWN
- 76. SHOWN
- 77. SHOWN
- 78. SHOWN
- 79. SHOWN
- 80. SHOWN
- 81. SHOWN
- 82. SHOWN
- 83. SHOWN
- 84. SHOWN
- 85. SHOWN
- 86. SHOWN
- 87. SHOWN
- 88. SHOWN
- 89. SHOWN
- 90. SHOWN
- 91. SHOWN
- 92. SHOWN
- 93. SHOWN
- 94. SHOWN
- 95. SHOWN
- 96. SHOWN
- 97. SHOWN
- 98. SHOWN
- 99. SHOWN
- 100. SHOWN

DRAFT PLAN OF
ROBERTSON PLACE - PHASE 1 & 2

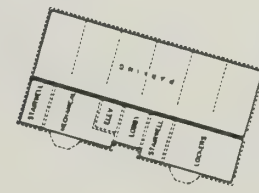
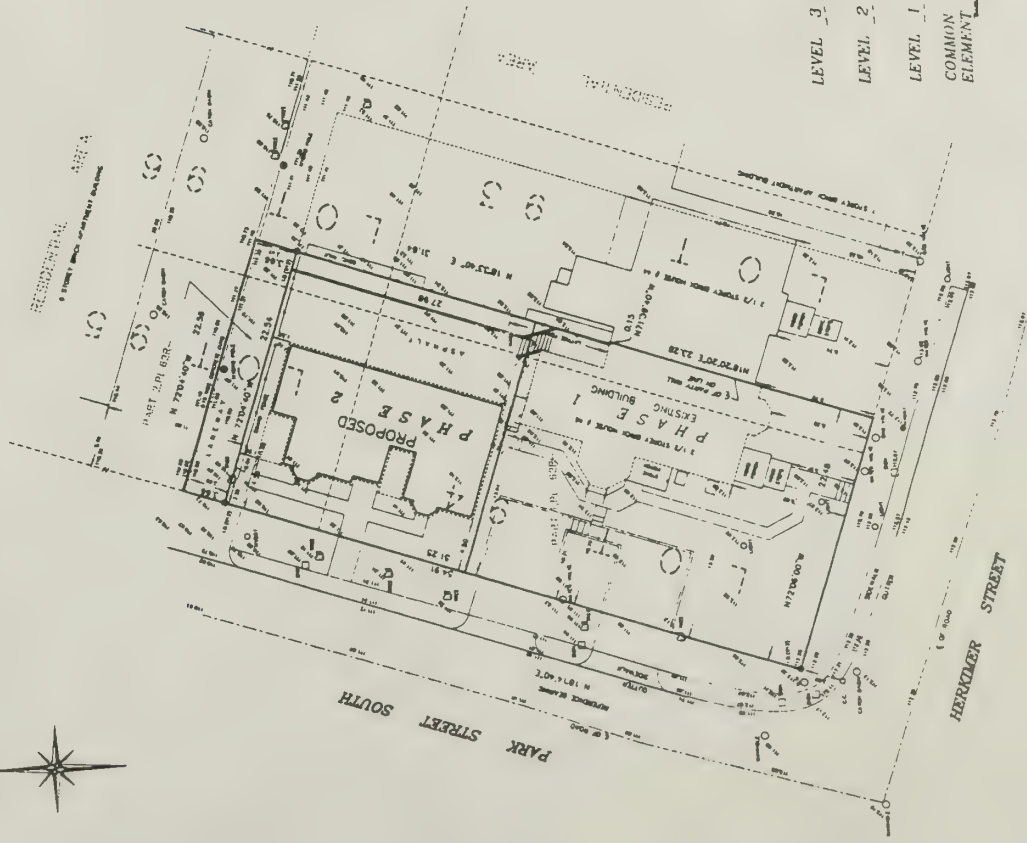
BEING A PROPOSED CONDOMINIUM OF
LOT 94 AND PART OF LOTS 93, 95 & 96
P.H. HAMILTON SURVEY
REGISTERED PLAN N° 1270

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE: 1:200 METRES
DATE: 11/10/00

JOHN P. NOUWENS, O.L.S. - 1990

ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
155 EASTERN AVE. 2ND FLOOR
HAMMILL, ONTARIO L8N 2G5
(416) 528-4318
(416) 528-4314
FAX (416) 521-8831

DATE	DATE	DATE	DATE
11/10/00	11/10/00	11/10/00	11/10/00
11/10/00	11/10/00	11/10/00	11/10/00
11/10/00	11/10/00	11/10/00	11/10/00



COMMON ELEMENT
SCALE: 1/8"



LEVEL 1
SCALE: 1/8"

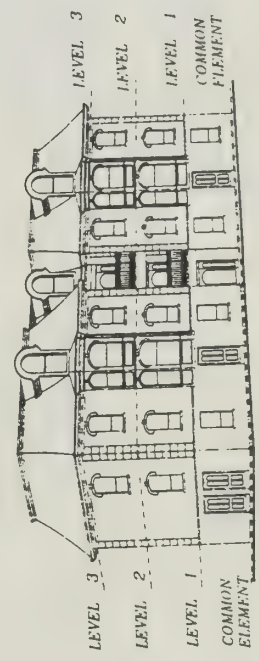


LEVEL 2
SCALE: 1/8"

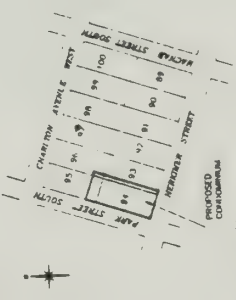


LEVEL 3
SCALE: 1/8"

PHASE 2



PERSPECTIVE
NOT TO SCALE



KEY PLAN
NOT TO SCALE

METRIC NOTE
ALL DIMENSIONS ON THIS PLAN ARE IN METERS AND LINE BE CONSIDERED TO BE IN METERS UNLESS OTHERWISE NOTED.

OWNER'S CERTIFICATE
I, the undersigned, being the owner of the land shown on this plan, hereby certify that the same is the true and correct plan of the land shown on this plan, and that the same is the true and correct plan of the land shown on this plan.

Michael J. Nouwens
Michael J. Nouwens
Owner
Date: Aug 11, 1990

Maya M. Nouwens
Maya M. Nouwens
Owner
Date: Aug 11, 1990

Fred Loukine
Fred Loukine
Owner
Date: Aug 11, 1990

SURVEYOR'S CERTIFICATE
I, the undersigned, being a duly qualified and licensed surveyor, hereby certify that the same is a true and correct plan of the land shown on this plan, and that the same is the true and correct plan of the land shown on this plan.

John P. Nouwens
John P. Nouwens
Surveyor
Date: Aug 11, 1990

SCHEDULE : RE : SECTION 50(2)

- 1. Survey
- 2. Plan
- 3. Certificate
- 4. Certificate
- 5. Certificate
- 6. Certificate
- 7. Certificate
- 8. Certificate
- 9. Certificate
- 10. Certificate
- 11. Certificate
- 12. Certificate
- 13. Certificate
- 14. Certificate
- 15. Certificate
- 16. Certificate
- 17. Certificate
- 18. Certificate
- 19. Certificate
- 20. Certificate
- 21. Certificate
- 22. Certificate
- 23. Certificate
- 24. Certificate
- 25. Certificate
- 26. Certificate
- 27. Certificate
- 28. Certificate
- 29. Certificate
- 30. Certificate
- 31. Certificate
- 32. Certificate
- 33. Certificate
- 34. Certificate
- 35. Certificate
- 36. Certificate
- 37. Certificate
- 38. Certificate
- 39. Certificate
- 40. Certificate
- 41. Certificate
- 42. Certificate
- 43. Certificate
- 44. Certificate
- 45. Certificate
- 46. Certificate
- 47. Certificate
- 48. Certificate
- 49. Certificate
- 50. Certificate

DRAWING PLAN OF ROBERTSON PLACE - PHASE 1 & 2
BEING A PLANNED COMMUNITY OF LOT 94 AND PART OF LOTS 93, 95 & 96
PHASE 1 & 2
REGISTERED PLAN N° 1270
IN THE CITY OF HAMILTON
PROFESSOR OF HAMILTON, HAMILTON
SCALE: 1/8" = 1' = 30.48 CM

JOHN P. NOUWENS, O.L.S. - 1990
ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
155A MAIN STREET EAST, SUITE 100
HAMILTON, ONTARIO L8R 3K5
CANADA
(416) 278-5314
FAX: (416) 278-5315

DATE	11/11/90
BY	J.P. Nouwens
CHECKED BY	J.P. Nouwens
SCALE	1/8" = 1' = 30.48 CM

2.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO: Ms. T. Agnello, Secretary
Planning and Development Committee

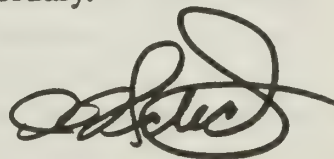
FROM: Mr. J. J. Schatz
City Clerk

OUR FILE:
PHONE: 546-2727

SUBJECT: OBJECTION TO BY-LAW 92-281
RE: HOUSING INTENSIFICATION
STRATEGY

DATE: 1993 January 13

Attached please find a letter dated 1992 December 10 from myself respecting an objection to By-law 92-281 respecting a general text amendment regarding the Housing Intensification Strategy which City Council at its meeting held January 12, 1993 referred to the Planning and Development Committee for its first meeting in February.



att.

ROBERT ANDERSON
206 WEST 18TH STREET
HAMILTON, ONTARIO
L9C 4G8

December 9, 1992

RECEIVED

DEC 09 1992

CITY CLERKS

We are objecting to the conversion of Single Family Dwellings into Dual Family Dwellings according to the By-Law 92-281 to amend Zoning By-Law 6593, due to:

- * deterioration of the neighbourhood
- * devaluation of property by people who wish to maintain it as a Single Family Residential area
- * don't want to see encroachment of absentee landlords who purchase said properties for the monetary factor as opposed to worrying about the neighbourhood by neighbours who are trying to maintain the property

Robert J. Anderson

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED 3

JAN 25 1993

CITY CLERKS

DATE: January 24, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. E. M. Gill, P. Eng.
Senior Director, Roads Department

Mr. L. C. King, P. Eng.
Commissioner
Building Department


SUBJECT: Lot Grading Control with Respect to Land Severance
Applications Creating One, Two and, Three Lots.
(E205-05) (93.2.4.2.1.A, 93.2.6.1)

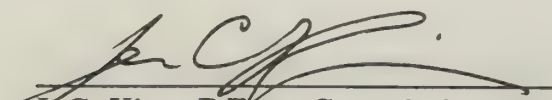
RECOMMENDATION:

On land severance applications for one, two, or three lot developments,

- a) That the Land Division Committee be informed, that the City of Hamilton requires, as a condition of approval of such applications,
 - (i) That the applicant (prior to the granting of Consent to a severance) enter into and register on title to the land being developed, a Lot Grading Agreement with the City of Hamilton satisfactory to the Building Commissioner, incorporating the following requirements:
 - (aa) Applicant's engineer to prepare satisfactory to the Building Commissioner and have attached to the Agreement, a detailed grading plan of each separate parcel;
 - (bb) Applicant's payment of the following fees:
 - for grading inspection, a fee of \$153.00 per parcel;
 - administration fee per agreement \$350.00;
 - a refundable security of \$2,000 per parcel, to be refunded when lot grading certified completed;
 - (cc) Agreement to give City of Hamilton an easement to enter the land to complete the approved grading;

- (dd) 1) Grading to be completed by applicant within six months of insulation inspection date or City of Hamilton has right to complete the grading.
- 2) Security deposit to be released and Lot Grading Agreement discharged once the grading certification has been received and accepted by Building Commissioner.
- (ii) That the applicant's lawyer prepare and register the Lot Grading Agreement incorporating the City of Hamilton's requirements, and the applicant's lawyer shall certify land ownership, registration of the Agreement (and its easement) to the City;
- (iii) That the said Lot Grading Agreement be in addition to any other conditions of the City of Hamilton, its Roads, Planning and other departments submitted to the Land Division Committee.
- b) Upon notification from the Building Commissioner that the City has received from the applicant's engineer confirmation that the grading, as approved, has been installed,
- (i) The City Clerk is authorized to execute a discharge of the Lot Grading Agreement,
- (ii) That the balance of the security received by the City not required for enforcement, be refunded to the applicant without interest.
- c) That the Building Commissioner be directed to submit with the Building Department's annual adjustments to its user fee schedule for Council approval, adjustments, if required, to the fees and security provided for herein.
- d) That the Building Department staff complement be increased by one Customer Service Representative. This position to remain vacant until revenues are sufficient to fund the costs.


E.M. Gill, P. Eng., Senior Director
Roads Department


L.C. King, P.Eng., Commissioner
Building Department
EMG/CU/LCK/PCL/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There is no financial impact on the City of Hamilton's budget in that the projected annualized costs of \$55,000 will be entirely offset by anticipated revenues.

Lot grading controls imposed as a condition of approval to "Land Severance Applications" before the Land Division Committee is recommended above as it is the most cost effective method to regulate grading on newly established one, two, and three lot severances.

Annualized gross costs of \$55,000 would be incurred to implement and operate the new lot grading requirements. These would be entirely recovered by the proposed user fees. The Building Department would not hire any additional staff until such time as revenues are sufficient to pay either a full time employee or a contract position. The City Treasury Department has advised that additional costs may be incurred for maintaining records of the \$2,000 refundable security.

ANALYSIS:

The City of Hamilton could impose, as one of its conditions of severance approval that the applicant be required to enter into a Lot Grading Agreement with the City, so that the City could control lot grading related to land severances creating one, two, and three lots.

Under the above recommendation, the applicant would be required to have its engineer prepare a grading plan and inspection controls at the applicant's expense, in the similar manner that severances of four or more lots and subdivisions are presently handled. However, as the above controls are for three or less lots, it is considered that the Building Department, which already works closely with the small developers, can (in place of the Roads Department) under the existing administration and inspection fees, administer these controls without additional administrative costs to the City of Hamilton.

The applicant would as a term of the Agreement, be required;

- (a) Submit to the Building Department a detailed lot grading plan, prepared by a Professional Engineer, for each lot being developed. Staff would review the plans for obvious errors and ensure that the Engineer's seal and signature were on the plans.
- (b) To give an easement to the City of Hamilton to enter the property in the event the City decided to complete the grading as a result of the applicant not completing the grading as required in the Agreement.

- (c) To provide the City with a security deposit in the amount of \$2,000/lot to ensure the grading is completed.
- (d) Upon completion of the grading, as required, to have a Professional Engineer certify to the City of Hamilton, that the grading had been completed in accordance with the approved detailed grading plan. If the grading is not so completed, the City may complete the work and use the security deposit to recover its costs. The Lot Grading Agreement would be discharged after the City receives and accepts the grading certificates.

The City of Hamilton would charge the applicant an inspection fee of \$153 per parcel - maximum of \$459 for three lots - this is the same rate applicable to existing lot grading controls on subdivisions. An administration fee of \$350 per Agreement would also be charged to offset review and preparation costs.

The applicant's fees, payable to the City of Hamilton referred to above, will be \$503 to \$809 depending upon the number of lots being developed (maximum of three lots). These costs include an inspection fee of \$153 per parcel and \$350 for the Lot Grading Agreement. The applicant will also provide the City with a security deposit in the amount of \$2,000 per lot. This security deposit will be refunded after the grading has been completed and the City has received and accepted the grading certificates.

It is estimated that the applicant will also incur private engineering costs of \$400 to \$1,200 (depending upon number of lots being developed, maximum of three lots) plus related legal expenses.

The advantages with respect to regulating lot grading as part of the Land Division Process are:

- The City of Hamilton could control grading related to one, two, and three lot severances ensuring that neighbouring properties are not negatively impacted by new development.
- The applicant's fees and costs could be recovered like all other property development costs from the purchasers of the newly created lots, and from the increased value of the applicant's lands as a result of the granting of the severances. These costs will also be an investment against future potential claims for damages to neighbouring properties related to drainage.
- The City of Hamilton will offset much of its costs by utilizing the Building Department and charging inspection and administration fees.

The only limitation with respect to the above controls is that the land severance process would not regulate either in-filling or private homeowner grading disputes.

BACKGROUND:

The City of Hamilton currently controls lot grading,

- (i) With respect to lands developed under the subdivision process - with the Subdivision Agreement;
- (ii) With respect to four or more lots created by land severance - by a Modified Subdivision Agreement.

The Committee has requested our Departments to review the feasibility of also implementing lot grading controls where only one, two, and three lots are created by land severance. It is our conclusion that the preferred method to regulate such lot grading is by means of the Lot Grading Agreement process outlined in the above recommendation.

Alternatives:

We have also examined, but do not recommend, the following two alternative methods to regulate grading on one, two, and three lot severances.

1. Lot Grading Control through the Building Permit Process.
2. Lot Grading Control through the Site Plan Control Process.

1. Lot Grading Control through the Building Permit Process

The Building Code regulations appeared to impose lot grading control, however, upon review, it is recognized that the Code's references to grading are exclusively for the narrow purpose of protecting the integrity of the building foundation and not the general grading of the property and its adjacent lands. The Regulation controls the immediate area of approximately 1.0m around the outside perimeter of buildings to protect the building's footings. Therefore, the building permit process is not available to control lot grading.

2. Lot Grading through the Site Plan Process

The Site Plan Process could be utilized to control lot grading in one of two ways. The City of Hamilton could either adopt a By-law to require all developments within the City of Hamilton to be completed under Site Plan Control or, when lands are being severed, a condition of severance approval could be that a Consent to severance not be granted until the site is designated subject to Site Plan Control.

If the City of Hamilton were to designate all lands subject to Site Plan Control, the City could regulate lot grading in respect of new in-fill development that will not be regulated by a Lot Grading Agreement (because no severance approval was required by the owner).

Lot grading control through the site plan process is not recommended at this time as it is a more complex review and time consuming process than required for one, two, and three lot severances. Further, such method of control would be more costly to the City of Hamilton and to the applicant than the Lot Grading Agreement recommended above.

Also, at the present time, due to enforcement problems, site plan control procedures are under staff review for improvements. The Lot Grading Agreement method recommended above will be more enforceable as it will include security and registration of the Agreement by the owner who is marketing his land.

Grading Controls for lands not being severed - established lots

The City of Hamilton's current policies as amended by the above recommendation, will control lot grading on all land severances, but not where there is in-filling development on established vacant lots and not where existing private properties are regraded.

Each year in Hamilton there are usually about 160 severances of one, two, and three lots. We receive only two or three concerns per year with respect to their grading. Approximately 30 to 40 grading inquiries are received annually regarding re-grading of private properties.

A number of municipalities were contacted to find out how they are handling lot grading related to lands developed under the land severance process. The municipalities contacted were the Town of Ancaster, City of Stoney Creek, City of Burlington, City of London, City of Mississauga, and the City of Oshawa. Although these municipalities require a grading plan to be submitted for approval with respect to severances, generally, lot grading disputes that arise between private property owners, where the properties are outside development control, are considered civil matters to be resolved by the parties only.

The City Solicitor has advised that the City of Hamilton has no jurisdiction under the Municipal Act to pass by-laws to regulate grading generally and to enter private property to enforce grading. If someone modifies their grading and it causes a negative impact upon the neighbouring properties, it is a matter between the neighbouring landowners. The private property owners must settle their dispute amongst themselves or failing a resolution, they have the option of litigating their dispute in the courts.

As noted above, under the Planning Act, if the City of Hamilton were to designate all lands subject to Site Plan Control, the City could regulate lot grading in respect of new in-fill development in addition to regulating grading on one, two, or three lots created by severance. If the Committee is in favour of extending lot grading control to new in-fill development (that is not caught by controls under the land severance process) the Committee may refer this to staff for report back in conjunction with the pending report on improvements to the enforcement of the site plan control process.

If municipalities had jurisdiction generally to regulate lot grading on existing houses and developments, requests for the City of Hamilton's enforcement of such disputes would escalate tremendously and would result in substantial administration costs to the City. Furthermore, enforcement of a by-law of this type would be extremely difficult because the City would be placed in the middle of private disputes and expected to resolve them. In order to resolve a common grading dispute, the City would have to:

- Determine what the nature of the topography was prior to the modifications.
- Determine how the grading problem can be resolved, i.e. regrading, adding and/or redirecting swales, installation of rear yard catchbasins, etc. .
- The property or properties involved would be required to be surveyed, a grading plan prepared, a contractor hired to complete the work, supervision and inspection of the work by City staff, etc..
- The City would have to attempt to recover its costs from the adjacent owners either through fines or the courts.

CONCLUSIONS:

- (a) If the Committee decides to implement grading controls on one, two, and three lots created by severance, we recommend that lot grading controls be implemented as a condition of the land severance creating these lots;
- (b) If the Committee is in favour of extending lot grading control to new in-fill development (that is not caught by controls under the land severance process) the Committee may refer this to staff for report back in conjunction with the pending report on improvements to the enforcement of the site plan control process.

c.c.- P. Noé Johnson, City Solicitor, Law Department
c.c.- A. Ross, City Treasurer, Attn: W. Gilchrist
c.c.- V. Abraham, Director of Local Planning
c.c.- L. Lanza, Secretary-Treasury, Land Division Committee, Planning Department

CITY OF HAMILTON
- RECOMMENDATION -

4

DATE: January 22, 1992
ZA-92-49
Jerome Neighbourhood

RECEIVED

JAN 26 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

CITY CLERKS

SUBJECT: Request for removal of the 'H'(Holding) Symbol- for the lands located on the west side of Upper Wellington Street, south of Limeridge Road East.

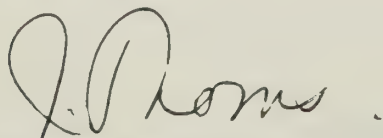
RECOMMENDATION:

That approval be given to Zoning Application 92-49, Primecan Holdings Inc., owner, requesting the removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit the development of the subject lands for single-family dwellings (Blocks "1"), multiple dwellings (Block "2") and townhouses or maisonettes (Block "3") , and the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 91-72, and Zoning District Map E-9B for presentation to City Council for the lands located on the west side of Upper Wellington Street, south of Limeridge Road East, shown as Blocks "1", "2", and "3" on the attached map marked as Appendix "A".

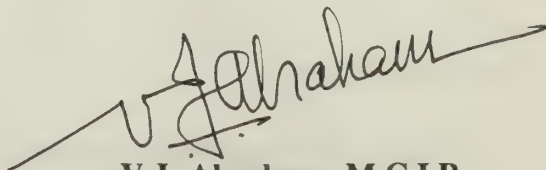
EXPLANATORY NOTE:

The purpose of this By-law is to remove the 'H'(Holding) symbol, for the lands located on the west side of Upper Wellington Street, south of Limeridge Road East, shown as Blocks "1", "2", and "3" on the attached map. The holding provision prohibits the development of the lands until the installation of all municipal sewers as the City deems necessary. In this regard, the Roads Department has advised external services are available on Upper Wellington Street and all other servicing matters will be addressed through the plan of subdivision.

The effect of the By-law is to permit the development of the subject lands for single-family dwellings (Blocks "1"), multiple dwellings (Block "2"), and for townhouses or maisonettes (Block "3"), in accordance with the "C" (Urban Protected Residential, etc.) District, "E-2" (Multiple Dwellings) District and "RT-20" (Townhouse-Maisonette) District provisions, respectively, as set out under By-law No. 91-72.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- By-law 91-72

On April 30, 1991, City Council passed By-law 91-72 which rezoned the subject lands from "AA" (Agricultural) District to "C"- 'H' (Urban Protected Residential, etc. - Holding) District, from "AA" (Agricultural) District to "E-2"- 'H' (Multiple Dwellings - Holding) District, from "AA" (Agricultural) District to "RT-20"- 'H' (Townhouse-Maisonette - Holding) District, to permit the development of the subject lands for single-family dwellings, multiple dwellings, and townhouse dwellings (see Appendix "B"). The removal of the holding restriction was conditional upon the availability of all such municipal sewers as the City deems necessary and the passage of an amending By-law by City Council to remove the 'H' symbol, and thereby give effect to the "C", "E-2", and "RT-20" District provisions as stipulated in the By-law 91-72.

COMMENTS RECEIVED:

The Roads Department has reviewed the application and has forwarded the following comment:

"There are public watermain available to service these lands. The storm and sanitary sewers are currently being extended from the lands to the east in order to service the proposed development.

All concerns with respect to road widenings, daylight triangles, the establishment of internal streets, the cost recovery for roads and services etc. will be addressed through the registration of Primecan Estates plan of subdivision.

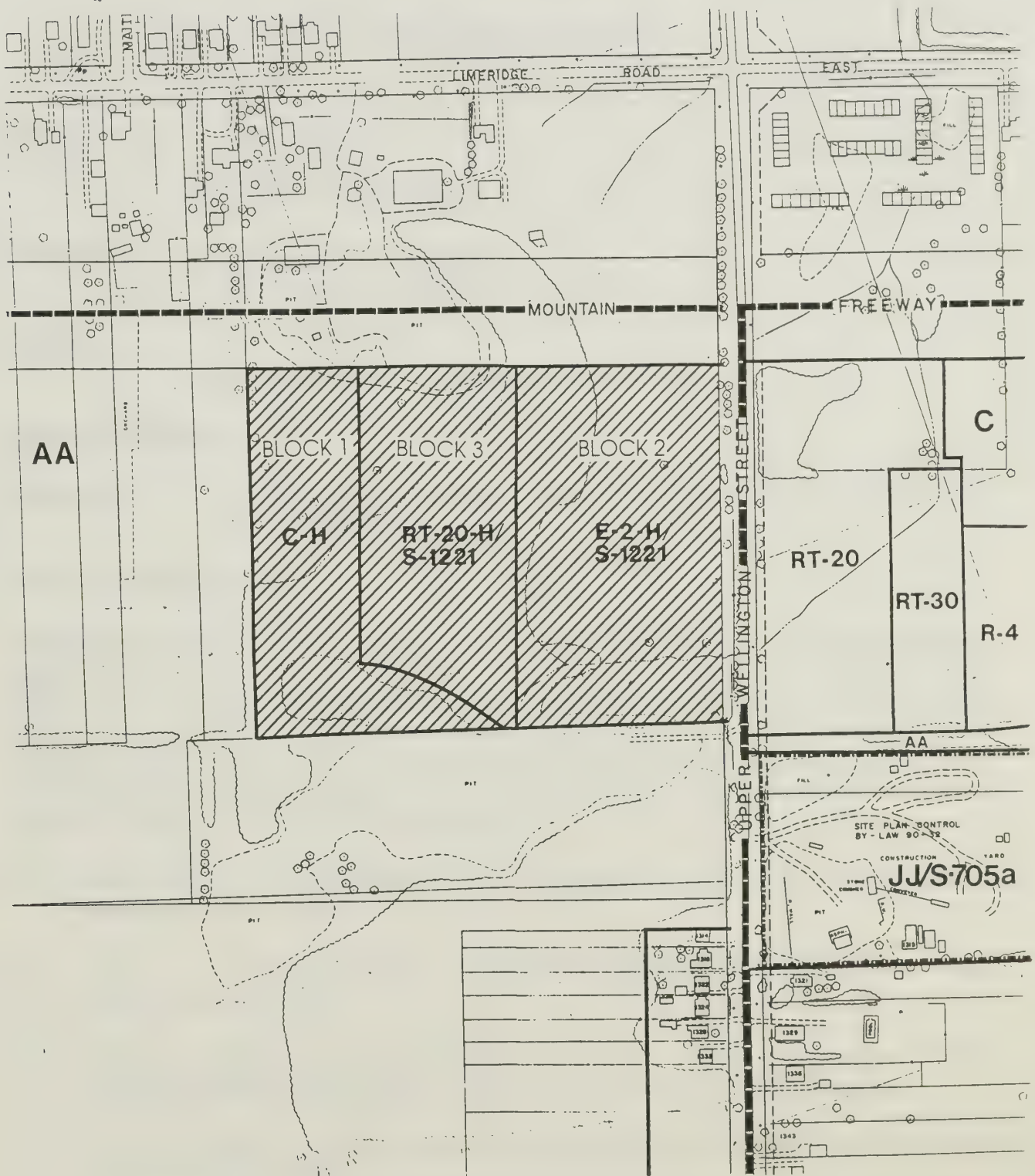
Specific development detail of Blocks 12, 13 and 14 of Primecan Estates plan of subdivision will be addressed through Site Plan Control Applications DA-92-31 and DA-92-35".

COMMENTS:

Since municipal services are available on Upper Wellington Street, and all other servicing matters will be addressed through the plan of subdivision, which was draft approved May 29, 1991, it is appropriate to remove the 'H'(Holding) symbol from the above noted property.

CONCLUSION:

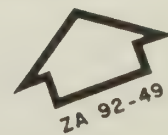
On the basis of the foregoing, the application can be supported.



Legend



Site of the Application



5

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JAN 26 1993

DATE: 1993 January 21
CI-92-C
Allison Neighbourhood

CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SECOND REPORT:

SUBJECT: City Initiative for changes in zoning - rear lands municipally known as 240 Rymal Road East.

RECOMMENDATION:

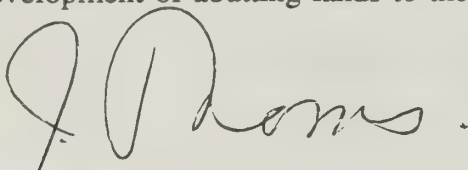
That approval be given to City Initiative 92-C Regional Municipality of Hamilton Wentworth, owner, for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit single-family detached dwellings on Block "1", and small lot single-family detached dwellings on Block "2", in conjunction with development of the abutting lands to the west, for rear lands municipally known as 240 Rymal Road East, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9D and E-18E for presentation to City Council;
- iv) That the proposed changes in Zoning are in conformity with the Official Plan for the Hamilton Planning Area.

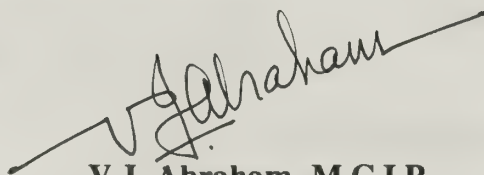
EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for rear lands municipally known as 240 Rymal Road East, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit development of the subject lands for single-family dwellings (Block "1") and small lot single-family detached dwellings (Block "2"), in conjunction with development of abutting lands to the west.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed changes in zoning is to permit development of the subject lands for single-family dwellings (Block "1"), and for small lot single-family detached dwellings (Block "2"), in conjunction with development of abutting lands to the west.

- By-law 92-211 (Zoning Application 91-76)

On August 19, 1992, City Council passed By-law 92-211 to rezone adjoining lands to the north of the subject lands from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, modified (see Appendix "A" - S-1278). The By-law included variances to the "DE-3" District regulations including, among others, the prohibition of street townhouses fronting onto Rymal Road East or Upper Wellington Street. By-law 92-211 came into force on September 20, 1992.

- By-law 92-270 (City Initiative 92-C (First Report))

On October 27, 1992, City Council passed By-law 92-270 to rezone the adjoining narrow strip of lands to the north of the subject lands (see Appendix "A"), from "AA"

(Agricultural) District to "DE-3" (Multiple Dwellings) District, modified (S-1278a). As these lands were to be added to the adjoining lands to the west, it was considered appropriate to proceed with the rezoning of only a portion of the lands covered under City Initiative 92-C. By-law 92-270 also included the same variances as contained in By-law 92-211, and came into effect on November 25, 1992.

LOT SIZE AND AREA:

An irregular shaped parcel of land having:

- 12.53m (41.14 ft.) of lot width (being the extension of Upper Wellington Street); and,
- 4.264 ha (10.536 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant	"AA" (Agricultural) District
to the south	hydro line corridor	"A" (Agriculture) District (Township of Glanbrook)
to the east	Mount Hamilton Cemetery	"AA" (Agricultural) District
to the west	vacant	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A"- Land Use Concept of the Official Plan. The following policies would apply, among others:

- "2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar

densities of development together.

- A.2.1.8' It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
 - viii) Other similar actions or matters as Council may deem appropriate.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
 - vii) Encourage development at densities conducive to the operation of Public Transit and which utilizes designs or construction that are energy efficient."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated for "SINGLE AND DOUBLE RESIDENTIAL" and "PARK AND RECREATIONAL" on the approved Allison Neighbourhood Plan. The proposal complies.

COMMENTS RECEIVED:

- The Building Department, Traffic Department and the Hamilton Region Conservation Authority have no comments or objections.

- The Roads Department has advised that:

"There are existing watermains available to service these lands. Separate storm and sanitary sewers are currently under construction and these services will be available later this year.

The designated road allowance width of Rymal Road is 36.58m (120 feet). Therefore we require that sufficient lands be retained by the Region to establish the property line 18.29m (60 feet) from the centreline of the Rymal Road road allowance. As shown on the attached plan, lands outlined on the attached plans must be retained by the Region for the establishment of Upper Wellington Street Extension and the remainder sold to the owner of lands to the west to be included in subdivision and/or site plan approval.

As noted, all dimensions on the attached plans are preliminary and specific dimensions must be confirmed by an Ontario Land Surveyor.

Any works which may occur within the Rymal Road road allowance or the extension of Upper Wellington Street must conform to the respective Streets By-laws.

We recommend that as a condition of development of these lands and lands to the west that the City of Hamilton and the Region recover all appropriate servicing costs for the establishment and construction of Upper Wellington Street through the appropriate agreements.

Our comments on the Land Severance Application H-78-92 are also attached."

- TransCanada Pipelines has advised that:

"..Block "1" is located approximately 114 metres from our pipeline which is contained within the hydro corridor. We have no objections to the zoning change for this location subject to the following conditions:

- 1) Any grading which will affect the right-of-way or drainage onto it must first be approved by TransCanada. No grading of the right-of-way will be permitted in the

absence of such approval or without inspection of the grading operations by TransCanada.

- 2) Should any blasting be required at the site, a report on the methods and charges to be used must be prepared by a qualified blasting engineer and submitted for TransCanada's approval prior to the commencement of blasting operations on the site.
- 3) TransCanada's District Office in Hannon (telephone 416-388-5171) must be given three working days advance notice before the commencement of construction on the site.
- 4) The owner must ensure that all contractor(s) and sub-contractors are fully aware of and observe the foregoing conditions."

COMMENTS:

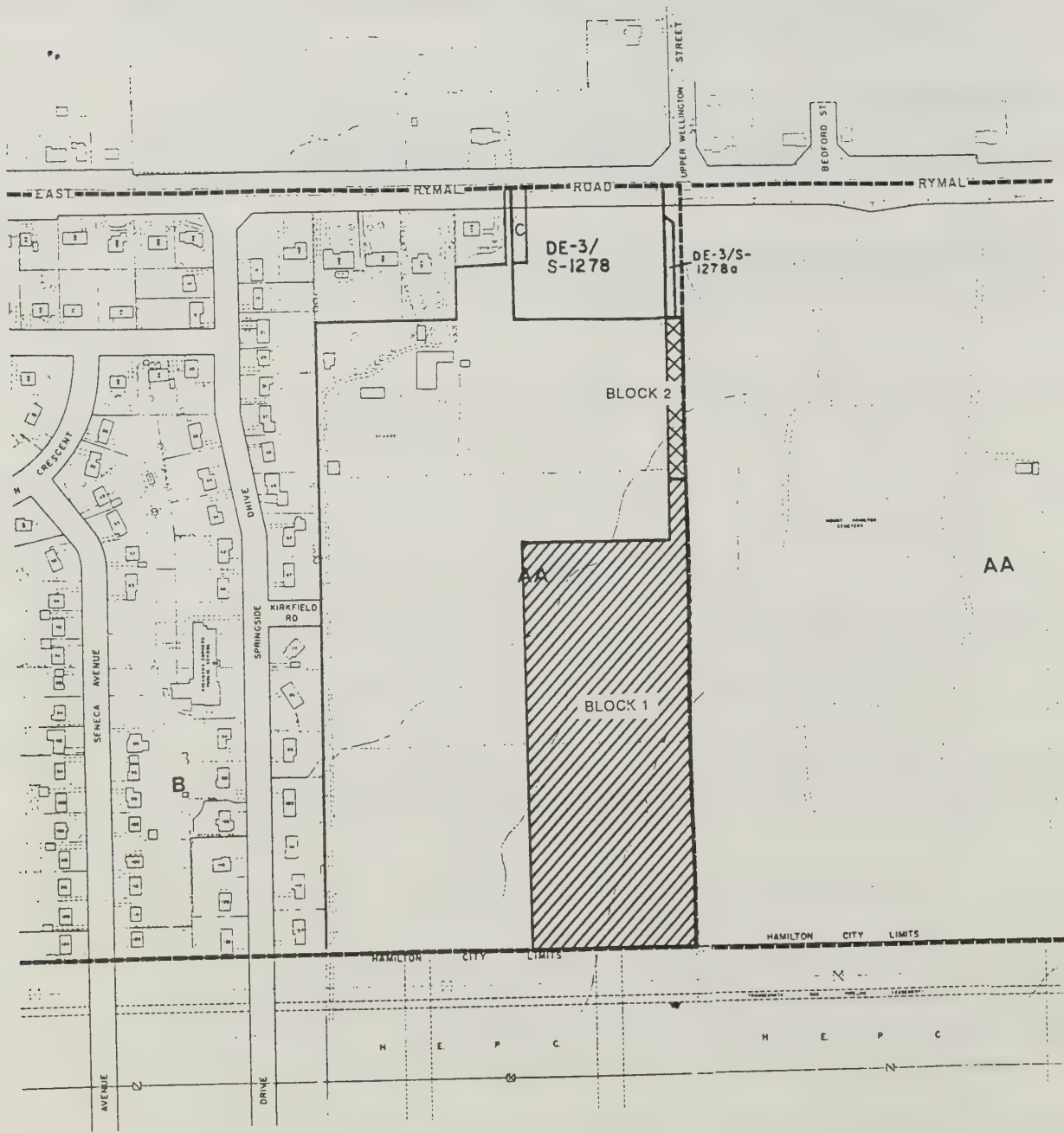
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Allison Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of the Official Plan by providing for a variety of housing styles, types and densities as well as a desired mix of housing for the subject lands and the adjoining lands to the west (ZA-92-23);
 - it implements the intent of the approved Allison Neighbourhood Plan;
 - the requested changes in zoning involve vacant Regionally owned lands which are being acquired by the adjoining property owner to the west to provide access to and to "round out" residential development of lands in the area south of Rymal Road East and west of the proposed extension of Upper Wellington Street;
 - it would be compatible with existing and planned low density residential development in the surrounding area;
 - the requested changes in zoning are appropriate for the proposed development of the subject lands.
4. The Roads Department recommends that as a condition of development of these lands and lands to the west, the City of Hamilton and the Region recover all appropriate servicing costs for the establishment and construction of Upper Wellington Street through the appropriate agreements. The Property Department has advised that the conditions of

approval will be addressed at the time the lands are sold, and will be included as a condition of subdivision approval.

CONCLUSION:



On the basis of the foregoing, the City Initiative can be supported.

GAW/ma
CI92CSECONDREPORT



Legend

Proposed change in zoning from "AA" (Agricultural) District to:

- | | | |
|---------|---|--|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc.) District. |
| BLOCK 2 |  | "R-4" (Small Lot Single-Family Detached) District. |


CI 92-C

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee
- 1993 January 26"



.. TransCanada PipeLines

TRANSCANADA PIPELINES TOWER, 111 - FIFTH AVENUE S.W.
P.O. BOX 1000, STATION M, CALGARY, ALBERTA T2P 4K5

(403) 267-6100

January 18, 1993

5a)

Secretary
Planning and Development
The Corporation of the City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Sir/Madam:

Re: Planning Department File CI-92-C
Location: Part Lot 7, Concession 1, City of Hamilton
TCPL Location MLV 208A + 6.36 km

On January 13, 1993, TransCanada PipeLines received your notice of the public meeting for the above City Initiative.

Please be advised that our easement is contained within the hydro corridor, located at the south end of this development. We have no objections to this zoning amendment subject to the following conditions:

- 1) All crossings of the right-of-way by roads, services or utilities must first be authorized by TransCanada PipeLines. The crossing applicant will be required to sign TransCanada's standard crossing agreement. This agreement will be binding upon subsequent owners of the roads, services and/or utilities. Crossing approval is required prior to final registration of the subdivision and before the commencement of any work within the subdivision.
- 2) Any grading which will affect the right-of-way or drainage onto it must first be approved by TransCanada. No grading of the right-of-way will be permitted in the absence of such approval or without inspection of the grading operations by TransCanada.
- 3) Should any blasting be required at the site, a report on the methods and charges to be used must be prepared by a qualified blasting engineer and submitted for TransCanada's approval prior to the commencement of blasting operations on the site.
- 4) To prevent encroachment onto the right-of-way, the southerly limit of the development should be permanently fenced off and maintained by the owner. The type of fence should be acceptable to both the City of Hamilton and TransCanada PipeLines.
- 5) TransCanada PipeLines is regulated by the National Energy Board Act. Section 112 of this act requires any excavation within 30 metres of the pipeline to obtain leave from the Board, therefore TransCanada's District Office in Hannon (phone 416-388-5171) must be notified

January 18, 1993
Page Two

three business days before any excavation within 30 metres of the pipeline is to be performed.

- 6) No fill or building materials may be stored on the pipeline right-of-way.
- 7) During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the owner(s) to prevent unlimited access by heavy machinery. TransCanada's District Office in Hannon (telephone 416-388-5171) must be given three working days advance notice before the commencement of construction on the site.
- 8) The owner must ensure that all contractor(s) and sub-contractors are fully aware of and observe the foregoing conditions.

Thank you for keeping us informed of development near our facilities. If you have any questions, please call me at (403) 267-8747.

Yours truly,



Janice Lattin
Technician I
Right-of-Way

cc: Ken Spriggs
Roel Lancee
Bob Smith

CITY OF HAMILTON

RECEIVED

JAN 27 1993

- RECOMMENDATION -

CITY CLERKS

DATE: 1993 January 25

REPORT TO: Tina Agnello
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: 1. Proposed Rezoning Application
2. Proposed Draft Plan of Subdivision "Allison Estates"

RECOMMENDATION:

1. Zoning Application

That approval be given to amended Zoning Application 92-23, 200 Rymal Road Inc., (Anthony Di Silvestro), owner, requesting changes in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District modified (Block "1"), to "C" (Urban Protected Residential, etc.) District (Block "2"), and to "R-4" (Small Lot Single-Family Detached) District (Block "3"), to permit large lot single-family detached dwellings (Block "1"), single-family detached dwellings (Block "2"), and small lot single-family detached dwellings (Block "3"), for property located on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street, as shown on the attached map marked as "Appendix A", on the following basis:

- i) That Block "1" be rezoned from "AA" (Agricultural) District to "B-2" (Suburban Agriculture and Residential, etc.) District;
- ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- iii) That Block "3" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

- iv) That the "B-2" (Suburban Agriculture and Residential, etc.) District regulations as contained in Section 8B of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
 - a) Notwithstanding the provisions of Section 8B(4) of By-law No. 6593, a maximum of 29 lots shall have a minimum lot width of 15.0 m and an average lot area of 510.03 m² of which no lot shall have an area of less than 480.0 m²;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council;
- vi) That the proposed changes and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area;
- vii) That the Allison Neighbourhood Plan be amended by changing the road pattern to conform to the layout of the roads shown on the subdivision plan and, to redesignate lands as shown on Appendix "B" as follows:
 - Block "A" - from "Park and Recreational" to "Single and Double Residential";
 - Block "B" - from "Single and Double Residential" and "Utilities" to "Park and Recreational";
 - Block "C" - from "Attached Housing" to "Single and Double Residential".

Explanatory Note:

The purpose of the By-law is to provide for changes in zoning for lands located on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street, as shown on the attached map marked as "Appendix "A" on the following basis:

- Block "1" - Change in zoning from "AA" (Agricultural) District to "B-2" (Suburban Agriculture and Residential, etc.) District;
- Block "2" - Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- Block "3" - Change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

The effect of the By-law is to permit development of the subject lands for large lot single-family detached dwellings (Block "1"), single-family detached dwellings (Block "2"), and small lot single-family detached dwellings (Block "3").

In addition, the By-law provides for a variance with respect to a reduction in the minimum lot area requirement for 29 of the 34 large lots located within Block "1", by requiring an average lot area of 510.03 m², of which no lot shall have an area of less than 480.0 m², whereas a minimum lot area of 540 m² is required.

2. Subdivision Application:

- (A) That approval be given to application 25T-91014, Allison Estates, 200 Rymal Road Inc., (A. Di Silvestro), owner, to establish a draft plan of subdivision in the area east of Upper James Street between Rymal Road East and the southerly limits of the city, subject to the following conditions:
- (1) That approval apply to the plan prepared by Urbex Engineering Ltd., dated May 21, 1992, as revised, now showing 150 lots for single family dwellings, and various Blocks for road, park and future residential purposes.
 - (2) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - (3) That the streets be dedicated to the City of Hamilton as public highways in the final plan.
 - (4) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (5) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (6) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and total area of the subdivision in the final plan.
 - (7) That the owner convey Block 158 to the City of Hamilton for park purposes.

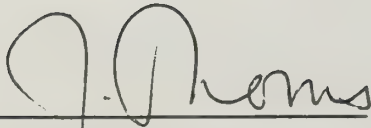
- ..
- ”
- (8) That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future expansion of the road allowances or development of abutting lands.
 - (9) That no lands within the proposed draft plan of subdivision be developed until a storm and sanitary sewer outlet is available on Rymal Road East and Upper Wellington Street to service the subdivision.
 - (10) That a 200mm diameter watermain be constructed on Kirkfield Road from Jacqueline Boulevard to Springside Drive for looping purposes. Regional Council approval may be required for the financing of the watermain on Kirkfield Road outside of the subdivision lands.
 - (11) That Upper Wellington Street, south of Rymal Road East, be established and constructed to its full width in conjunction with the development of these lands.
 - (12) That Jacqueline Boulevard and Trillium Drive, external to the subdivision plan, be established to Upper Wellington Street in conjunction with the development of these lands.
 - (13) That the extension of Upper Wellington Street, south of Rymal Road East, align centreline to centreline and maintain the same bearings as the existing portion of Upper Wellington Street north of Rymal Road East.
 - (14) That a 26.0m road allowance be established on Upper Wellington Street from the widened limit of Rymal Road East on the south side to extend southerly for a length of 90.0m along the extension of Upper Wellington Street, south of Rymal Road East.
 - (15) That a 12.19m x 12.19m daylight triangle be established from the widened limits of Rymal Road East and Upper Wellington Street on the southwest corner.
 - (16) That the owner establish 2.0m x 2.0m daylight triangles on the corners of Lots 67 and 108.
 - (17) That the owner establish a 12.0m storm and sanitary sewer easement from Jacqueline Boulevard to the west limit of the subdivision over Lot 41. The

north limit of the easement is to have the same bearing and be a projection of the south property line of house No. 95 Springside Drive.

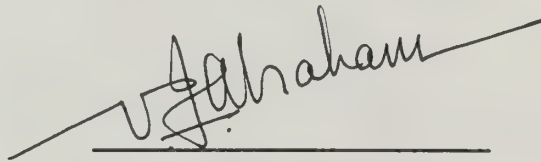
- (18) That the Owner establish 9.0m radius transitional curves into and out-of the cul-de-sac bulb on Magenta Court.
- (19) That 0.30m reserves be established at the dead-ends of the road allowance on Jacqueline Boulevard (south limit at Lot 126 and east limit at Lot 59) and Serena Drive (east limit at Block 157).
- (20) That Blocks 152 to 164 (inclusive) be developed only in conjunction with the adjacent lands.
- (21) That Block 165 be deleted from the Final Plan of Subdivision, as this piece has already been dedicated to the Region for road widening.
- (22) That the lands shown on the draft plan as "Additional lands of the Owner" be included as a Block in the draft plan and Final Plan of Subdivision.
- (23) That approval for local improvement works (above ground) on the existing portion of Kirkfield Drive, west of the submitted plan, be in place before release of the Final Plan of Subdivision, or alternately the developer construct and pay for above ground servicing on the existing portion of Kirkfield Drive.
- (24) That the applicant be required to enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands.
- (25) That a 0.30m reserve be located at the dead end of the road allowance on Magenta Court.
- (26) That the excess lands of the H.S.R. adjacent to Blocks 159 to 164 (inclusive) which are not required for the extension of Upper Wellington Street road allowance be acquired by the applicant for incorporation into this plan of subdivision.
- (27) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(28) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(B) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-91014), 200 Rymal Road Inc. (A. Di Silvestro), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Council will be requested to approve the amount of financing required by the City once the cost is determined at the subdivision agreement stage.

BACKGROUND:

Owner:

200 Rymal Road East Inc., (Anthony Di Silvestro)

Agent:

John A. Parente, Solicitor

Surveyer:

Urbex Engineering Ltd., Hamilton

Location:

The lands, comprising 10.936 ha, are located on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street in the Allison Neighbourhood, City of Hamilton.

Land use And Zoning:

	<u>Existing Zoning</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings and vacant lands	"AA" (Agricultural) District, "B" (Suburban Agriculture and Residential, etc.) District and "RT-20" (Townhouse and Maisonette) District
to the south	hydro power line corridor	'A' (Agriculture) Zone (Township of Glanbrook)
to the east	vacant and Mount Hamilton Cemetery	"AA" (Agricultural) District
to the west	single-family dwellings	"B" (Surban Agriculture and Residential, etc.) District

Amended Rezoning Proposal:

The purpose of the proposed changes and modification in zoning is to permit development of the subject lands for large lot single-family detached dwellings (Block "1"), single-family detached dwellings (Block "2"), and small lot single-family dwellings (Block "3"), together with 12 Blocks for future development with adjoining lands, in accordance with a draft plan of subdivision. (For block references see Appendix A)

Subdivision Proposal:

The owner proposes to subdivide the lands into 150 lots for single family dwellings, and various blocks for road, park and future residential purposes.

Existing Development Controls:

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal does not conflict.

City of Hamilton Official Plan - the lands are designated "RESIDENTIAL". The proposal will comply.

Neighbourhood Plan - the subject lands are designated "Single and Double Residential"; "Area of Large Lots" - "Single and Double Residential"; "Attached Housing"; "Utilities"; and "Park and Recreational" on the approved Allison Neighbourhood Plan (see Appendix "B"). The proposal does not comply. Approval of the application would require the following changes to the approved Allison Neighbourhood Plan (see Appendix "B"):

- Changes to the approved road pattern to conform to the layout of the road pattern shown on the proposed draft plan of subdivision;
- Redesignation of Block "A" from "Park and Recreational" to "Single and Double Residential";
- Redesignation of Block "B" from "Single and Double Residential" and "Utilities" to "Park and Recreational";
- Redesignation of Block "C" from "Attached Housing" to "Single and Double Residential".

Zoning - the changes noted in Appendix "A" are required to permit the amended development.

Niagara Escarpment Commission - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Comments From Circulation:

1. • Zoning Application
- The Building Department, the Township of Glanbrook and the Hamilton Region Conservation Authority have no comments or objections.
- The Traffic Department has advised that:

"...find the request to rezone the above lands to be satisfactory. However, we have the following comments in regard to the plan of subdivision submitted with this application.

It is intended that Upper Wellington Street function as a collector roadway, as shown on the approved neighbourhood plan. The layout of the roadways shown on this plan eliminates this roadway hierarchy and introduces an awkward 90 degree turn at the termination of Upper Wellington Street. The alignment of Jacqueline Boulevard has also been modified along the western side of the proposal to provide a straight through road, rather than a curved road ending at a stop as shown in the approved plan. The straight alignment increases the potential for speeding.

In conclusion, while we support the proposed zoning, we prefer the roadway layout shown in the approved plan for the Allision Neighbourhood."

With regard to the revised subdivision plan submitted by the applicant, the Traffic Department has verbally advised that they have no additional comments to submit.

- The Roads Department has advised that:

"There are public watermaines on both Rymal Road East and Springside Drive. Storm and sanitary sewers are expected to be constructed later this year on Rymal Road. Internal servicing matters will be dealt with under the plan of subdivision.

These lands do not have any frontage on a roadway and deal with internal subdivision matters only. Therefore, as a condition of development approval, we recommend that the subject lands be developed through a satisfactory plan of subdivision. Prior to the development of these lands, Upper Wellington Street must be established and we understand that the limits of lands to be re-zoned may have been changed to include a strip of land on Rymal Road which will be designated single family. Should this be the case, the application should be revised accordingly.

For the information of the Committee, we have attached a copy of our comments on Allison Gardens draft plan of subdivision. Any work which may occur within the adjacent road allowances must conform to the City/Region's Roads Use By-laws.

All matters relating to access will be dealt with under the Allison Gardens plan of subdivision. For the information of the applicant/owner, etc. we have attached a copy of our comments on the draft plan of subdivision." (see subdivision section for comments)

- TransCanada Pipelines has advised that:

"We have reviewed this application and note that our easement is contained within the hydro corridor, located at the south end of this plan of subdivision. We have no objections to this zoning application subject to the following conditions:

- 1) *All crossings of the right-of-way by roads services or utilities must first be authorized by TransCanada Pipelines. The crossing applicant will be required to sign TransCanada's standard crossing agreement. This agreement will be binding upon subsequent owners of the roads, services and/or utilities. Crossing approval is required prior to final registration of the subdivision and before the commencement of any work within the subdivision.*
- 2) *Any grading which will affect the right-of-way or drainage onto it must first be approved by TransCanada. No grading of the right-of-way will be permitted in the absence of such approval or without inspection of the grading operations by TransCanada.*
- 3) *Should any blasting be required at the site, a report on the methods and charges to be used must be prepared by a qualified blasting engineer and submitted for TransCanada's approval prior to the commencement of blasting on the site.*
- 4) *To prevent encroachment onto the right-of-way, the southerly limit of the subdivision should be permanently fenced off and maintained by the owner. The type of fence should be acceptable to both the City of Hamilton and TransCanada Pipelines.*
- 5) *TransCanada Pipelines is regulated by the National Energy Board Act. Section 112 of this act requires any excavation within 39 metres of the pipeline to obtain leave from the Board, therefore, TransCanada's District Office in Hannon (Phone 416-388-5171) must be notified three business days before any excavation within 30 metres of the pipeline is to be performed.*

- 6) *During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the owner(s) to prevent unlimited access by heavy machinery. TransCanada's District Office in Hannon (telephone 416-388-5171) must be given three working days advance notice before the commencement of construction on the site.*
- 6) *The owner must insure that all contractor(s) and sub-contractors are fully aware of and observe the foregoing conditions."*

(2) Subdivision Application:

The following agencies have advised that they have no objection to the proposal, however, several agencies have requested conditions of approval:

- Ministry of Natural Resources
- Ministry of Culture and Communications
- Hamilton Region Conservation Authority (conditions requested)
- Union Gas
- Hamilton Hydro
- Ontario Hydro (conditions requested)
- Bell Canada
- City Building Department
- TransCanada Pipelines (conditions requested)

The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

"For Information:

- (1) *Public watermains are available on Rymal Road East and Springside Drive to service the proposed development.*
- (2) *Public storm and sanitary sewers are not available on Upper Wellington Street and Rymal Road East to service the proposed development, however, it is expected that sewers will be available sometime in 1992.*
- (3) *The road pattern as proposed on the submitted draft plan does not conform to the road pattern on the Approved Allison Neighbourhood Plan. We advise that the*

- .. road pattern proposed be submitted to the appropriate Committee for approval.
- .. We support the alignment of Upper Wellington Street, south of Rymal Road, as shown on the Approved Allison Neighbourhood Plan. Should this alignment be used, we recommend that the S-bend curve have a minimum centreline radius of 250m and a minimum of 30m of tangent between curves. However, this Department does not have any objection to either proposed layout for Upper Wellington Street.
- (4) The number of access roads into and out of the proposed development should be considered, in light of the size of this subdivision, and the fact that Kirkfield Road from the west limit of the development to Springside Drive is not yet built. We advise that comments from the City Traffic Department be considered with respect to phasing of development and road access.
 - (5) The H.S.R. may wish to sell their remnant lands adjacent to Blocks 159 to 164 (inclusive) to the Subdivider and we suggest that the Subdivider contact the H.S.R. to arrange a purchase.
 - (6) The 0.30m reserve at the east limit of Kirkfield Drive will be lifted in conjunction with the registration of the Final Plan of Subdivision.
 - (7) The proposed draft plan should be submitted to the Public Transit Department for their comments as the approved neighbourhood plan shows an H.S.R. bus turn-around loop within the lands of the subdivision, which has not been included in the submitted plan.
 - (8) The approved Allison Neighbourhood Plan shows a 20.00m right-of-way extending southerly from Jacqueline Boulevard to the South City Limits in the event that a road access to the south is required. The proposed draft plan for "Twenty Road Country Estates", directly to the south of this development, has been approved with no access road to the north, therefore, an access road under this subdivision is not required.
 - (9) In conjunction with this application, the Owner has also submitted land severance application H-78-92 which severs the lands on this plan marked "Additional lands of the Owner" from the subdivision. The revised draft plan for Allison Estates proposes to create one (1) lot with frontage on Rymal Road (Lot No. 151). As a result, there will be a remnant block of land created adjacent to the rear of Lots

10 to 13 (inclusive) and the west flankage of Lot 151, with minimal frontage on Rymal Road.

- (10) *There are discrepancies between the dimensions on the proposed draft plan, the submitted site plan and the survey plans for the land severance application. The owner should be made aware of the discrepancies so that they can instruct their surveyor to make corrections.*
- (11) *The Region will not be cost sharing for sewer or water services within this development as there will be no oversized services required.*

Recommendations:

- (1) *That no lands within the proposed draft plan of subdivision be developed until a storm and sanitary sewer outlet is available on Rymal Road East and Upper Wellington Street to service the subdivision.*
- (2) *That a 200mm diameter watermain be constructed on Kirkfield Road from Jacqueline Boulevard to Springside Drive for looping purposes. Regional Council approval may be required for the financing of the watermain on Kirkfield Road outside of the subdivision lands.*
- (3) *That Upper Wellington Street, south of Rymal Road East, be established and constructed to its full width in conjunction with the development of these lands.*
- (4) *That Jacqueline Boulevard and Trillium Drive, external to the subdivision plan, be established to Upper Wellington Street in conjunction with the development of these lands.*
- (5) *That the extension of Upper Wellington Street, south of Rymal Road East, align centreline to centreline and maintain the same bearings as the existing portion of Upper Wellington Street north of Rymal Road East.*
- (6) *That a 26.0m road allowance be established on Upper Wellington Street from the widened limit of Rymal Road East on the south side to extend southerly for a length of 90.0m along the extension of Upper Wellington Street, south of Rymal Road East.*
- (7) *That a 12.19m x 12.19m daylight triangle be established from the widened limits*

.. of Rymal Road East and Upper Wellington Street on the southwest corner.

- ..(8) That the Owner establish 2.0m x 2.0m daylight triangles on the corners of Lots 67 and 108.
- (9) That the Owner establish a 12.0m storm and sanitary sewer easement from Jacqueline Boulevard to the west limit of the subdivision over Lot 41. The north limit of the easement is to have the same bearing and be a projection of the south property line of house No. 95 Springside Drive.
- (10) That the Owner establish 9.0m radius transitional curves into and out-of the cul-de-sac bulb on Magenta Court.
- (11) That 0.30m reserves be established at the dead-ends of the road allowance on Jacqueline Boulevard (south limit at Lot 126 and east limit at Lot 59) and Serena Drive (east limit at Block 157).
- (12) That Blocks 152 to 164 (inclusive) be developed only in conjunction with the adjacent lands.
- (13) That Block 165 be deleted from the Final Plan of Subdivision, as this piece has already been dedicated to the Region for road widening.
- (14) That the lands shown on the draft plan as "Additional lands of the Owner" be included as a Block in the draft plan and Final Plan of Subdivision.
- (15) That approval for local improvement works (above ground) on the existing portion of Kirkfield Drive, west of the submitted plan, be in place before release of the Final Plan of Subdivision, or alternately the developer construct and pay for above ground servicing on the existing portion of Kirkfield Drive.
- (16) That the applicant be required to enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands.
- (17) That a 0.30m reserve be located at the dead end of the road allowance on Magenta Court.
- (18) That the excess lands of the H.S.R. adjacent to Blocks 159 to 164 (inclusive) which are not required for the extension of Upper Wellington Street road allowance be acquired by the applicant for incorporation into this plan of subdivision.

The Submitted revised plan as prepared by W. Bruce Clark, O.L.S. and stamped with the date 1992 May 21 is satisfactory to the Transportation/Environmental Services Group, subject to the above noted comments and recommendations as well as the comments and recommendations as revised in red in our memo of 1992 April 3 (attached)".

The City of Hamilton Traffic Department has submitted the following comments:

"As indicated in our previous letter of 1992 January 21, it is intended that Upper Wellington Street function as a collector roadway, as shown on the approved neighbourhood plan. The layout of the roadways shown on this plan eliminates this roadway hierarchy and introduces an awkward 90 degree turn at the termination of Upper Wellington Street. The alignment of Jacqueline Boulevard has also been modified along the western side of the proposal to provide a straight through road, rather than a curved

road ending at a stop as shown in the approved plan. The straight alignment increases the potential for speeding.

In conclusion, we do not support this plan and prefer the roadway layout shown in the approved plan for the Allison Neighbourhood".

COMMENTS:

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and proposed amendments to the Zoning By-law to implement the plan.
 2. The proposal complies with the intent of the Official Plan.
 3. The proposal does not comply with the intent of the approved Allison Neighbourhood Plan. Approval of the application would require the following changes to the approved Allison Neighbourhood Plan (see Appendix "B"):
- Changes to the approved road pattern to conform to the layout of the road pattern shown on the proposed draft plan of subdivision;
 - Redesignation of Block "A" from "Park and Recreational" to "Single and Double Residential";
 - Redesignation of Block "B" from "Single and Double Residential" and "Utilities" to "Park and Recreational";

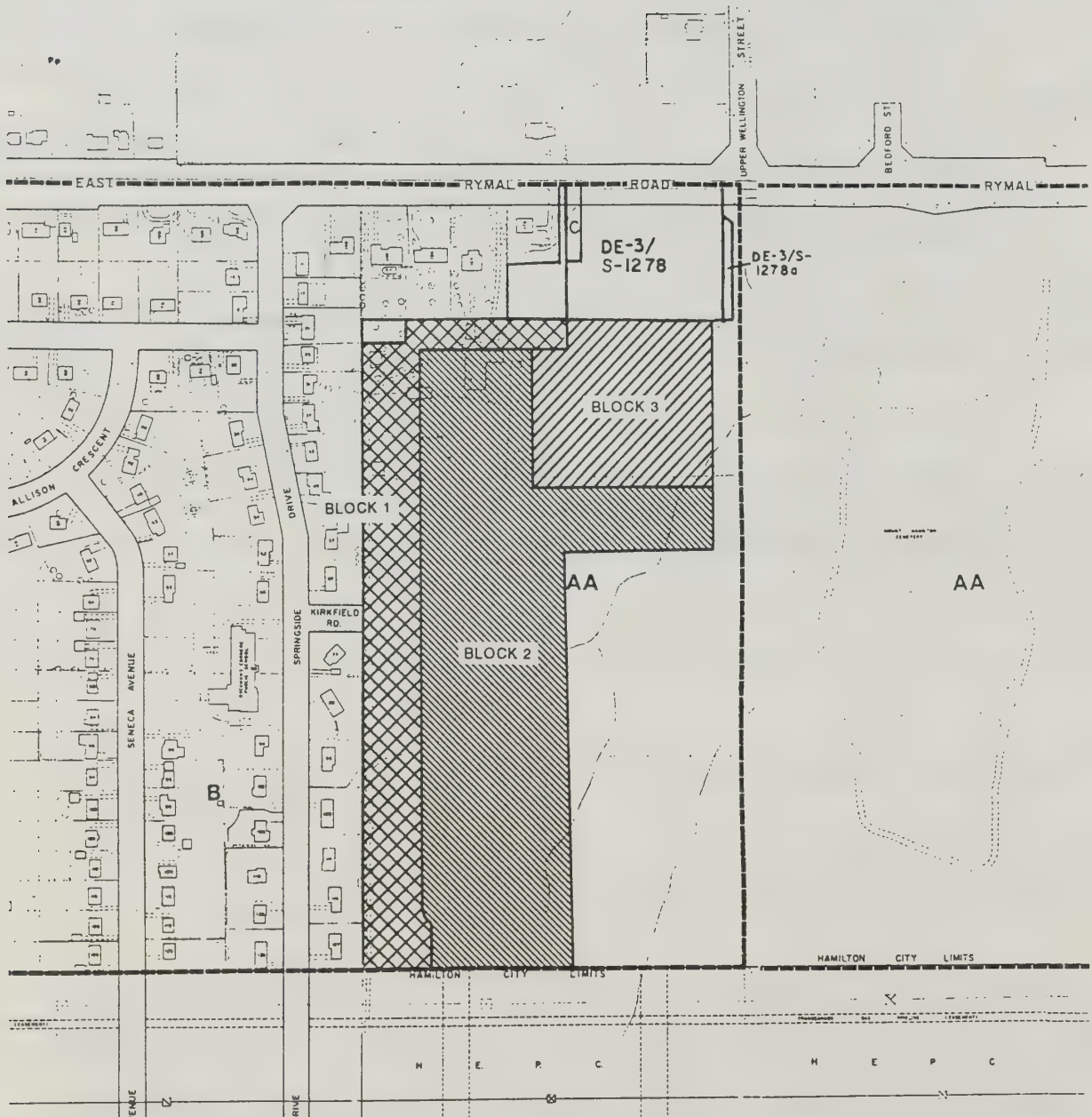
- Redesignation of Block "C" from "Attached Housing" to "Single and Double Residential".

4. The proposed changes and modification in zoning can be supported for the following reasons:

- it implements the intent of the Official Plan by providing for a variety of housing styles, types and densities as well as a desired mix of housing. In this regard, the proposed plan of subdivision provides for 34 large lot single-family dwelling detached lots (Block "1"); 74 single-family dwelling lots (Block "2"); 37 small lot single-family detached dwelling lots (Block "3"); and 12 blocks for future development of adjoining lands;
- as noted, the proposal involves a number of minor changes and boundary adjustments to the land use designations in the approved Allison Neighbourhood Plan. However, these changes do not affect the intent of the Plan or the designated density, and after review of the proposed plan by the various City and Regional Departments, the proposed changes were considered minor in nature. For example, the "bus loop" (Utilities) is to be provided by on-street routing as opposed to an off-street loop to turn around;
- it would be compatible with existing and proposed development contemplated in this area; and,
- the requested changes in zoning are appropriate for the proposed development of the subject lands.




5. With regard to the "B-2" (Suburban Agriculture and Residential, etc.) District zoning applicable to Block "1", a total of 34 large lots are proposed. These lots have street frontages ranging in width from a minimum of 15.0 m to a maximum of 19.5 m, and lot areas ranging from a minimum of 450.0 m² to a maximum of 894.0 m². It should be noted that the "B-2" (Suburban Agriculture and Residential, etc.) District in Zoning By-law No. 6593 requires a minimum lot frontage of 15.0 m (49.2 ft.), and a minimum lot area of 540.0 m² (5,812.51 sq. ft.). In this regard, 29 of the 34 "large lots" proposed do not meet the minimum lot area requirement of 540 m². More specifically, the lot areas range from a low of 480.0 m² to a high of 538.0 m². The lots average 510.03 m² (5,479.0 sq. ft.) in area, or 29.97 m² 322.6 sq. ft. short of the by-law requirement. The proposal maintains the intent of the of the approved Allison Neighbourhood Plan by a providing a streetscape with large lot widths of 15.0 m or greater. The variance with respect to the lot area is considered to be minor in nature and can be supported.


6. In accordance with the intent of the approved Allison Neighbourhood Plan, a number of "red line" revisions are required to increase the size of the lot frontages and area for those lots backing onto existing development on Springside Drive and Rymal Road East.
7. Other minor "red line" revisions are being proposed to provide for small lot residential dwellings. These revisions are in keeping with the Province's Policy Statement on Land Use Planning for Housing in that a variety of housing types, mix and price ranges will be available for future residents in this area.
8. As noted by the Roads Department, at present the lands do not have any frontage on a roadway and deal with internal subdivision matters only. In this regard, they recommend that as a condition of subdivision approval the applicant/owner acquire adjacent lands from the Region of Hamilton Wentworth prior to development, to establish the extension of Upper Wellington Street, thus providing street frontage and access, and to permit residential development of the remnant strip of land adjacent to the proposed extension of Upper Wellington Street (lands to be acquired by the applicant and rezoned to "R-4" - File C.I. 92-C - see Appendix "C").

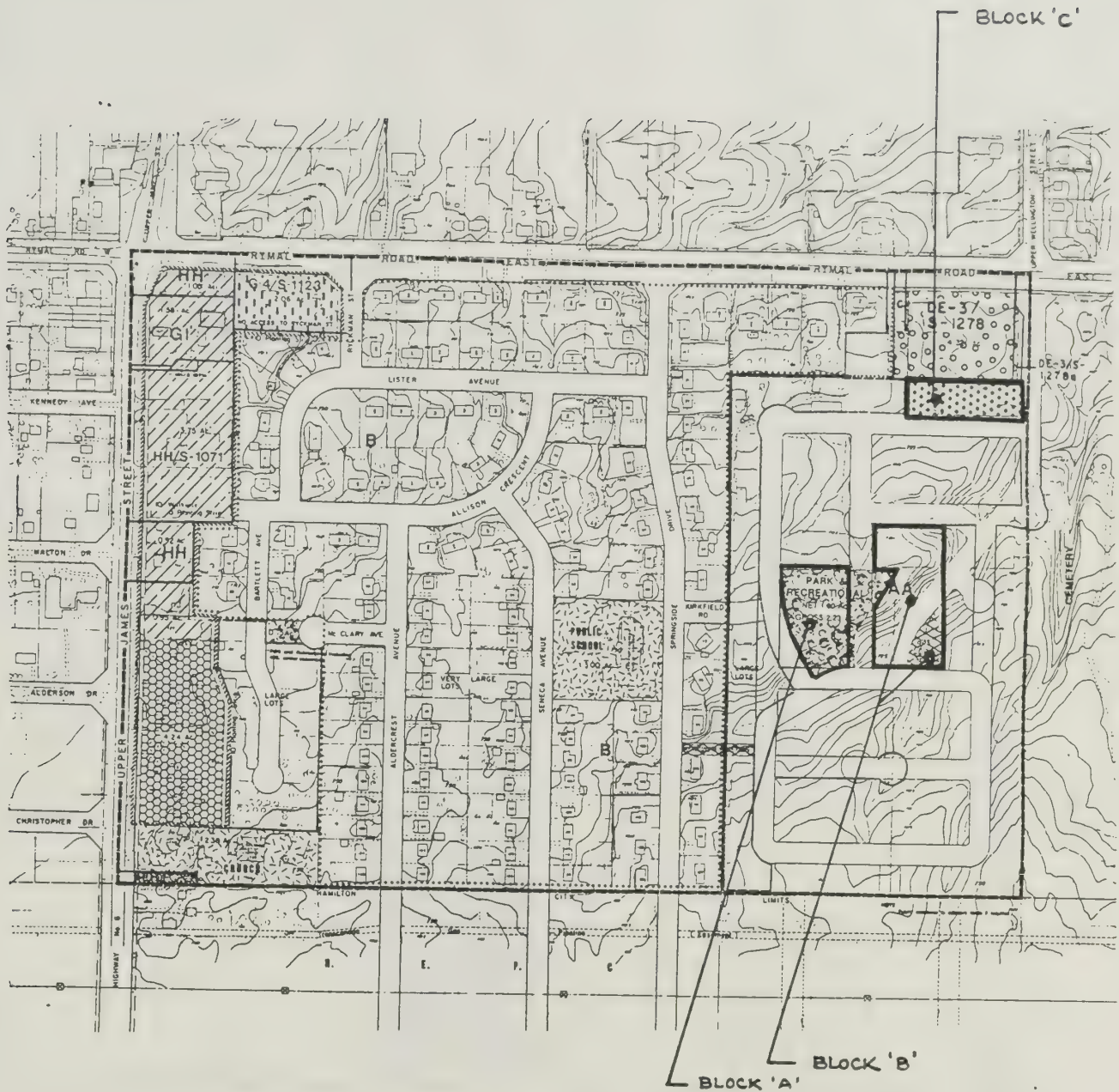


Legend

Proposed change in zoning from 'AA' (Agricultural) District to:

- | | | |
|---------|---|--|
| BLOCK 1 |  | 'B-2' (Suburban Residential) District, modified. |
| BLOCK 2 |  | 'C' (Urban Protected Residential, etc.) District. |
| BLOCK 3 |  | 'R-4' (Small Lot Single-Family Detached) District. |


ZA-92-23



NOTE: This is a GUIDE PLAN only and is subject to change.
For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LEGEND

- AREA SUBJECT TO URBAN DESIGN GUIDELINES
- AREA OF VERY LARGE LOTS
- AREA OF LARGE LOTS

* (Uses Shall Not Include High Traffic Generators such as a Restaurant)

LAND USE

RESIDENTIAL

- [Symbol] single & double
- [Symbol] attached housing
- [Symbol] low density apartments
- [Symbol] medium density apartments
- [Symbol] high density apartments
- * [Symbol] neighbourhood commercial

- [Symbol] OFFICES & SERVICE COMMERCIAL
- [Symbol] HIGHWAY COMMERCIAL
- [Symbol] CIVIC & INSTITUTIONAL
- [Symbol] PARK & RECREATIONAL
- [Symbol] OPEN SPACE
- [Symbol] UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approval

Planning Committee Aug. 21, 1991 Council Aug. 27, 1991

Latest Revision Date

CITY OF HAMILTON
PLANNING DEPARTMENT

ALLISON

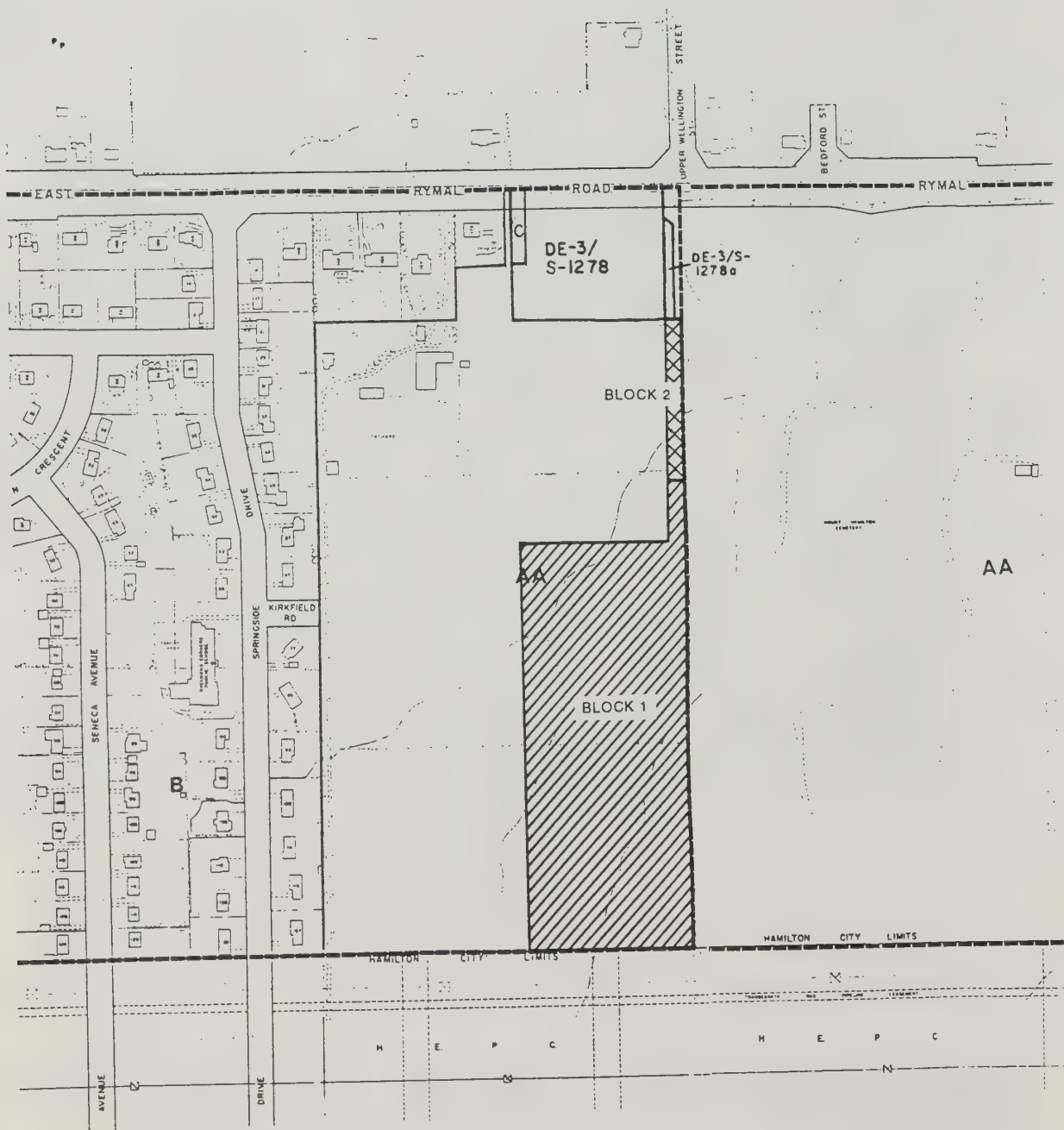
APPROVED PLAN



0 50 m 100 m
SCALE



EXISTING POPULATION (1988) 444

6



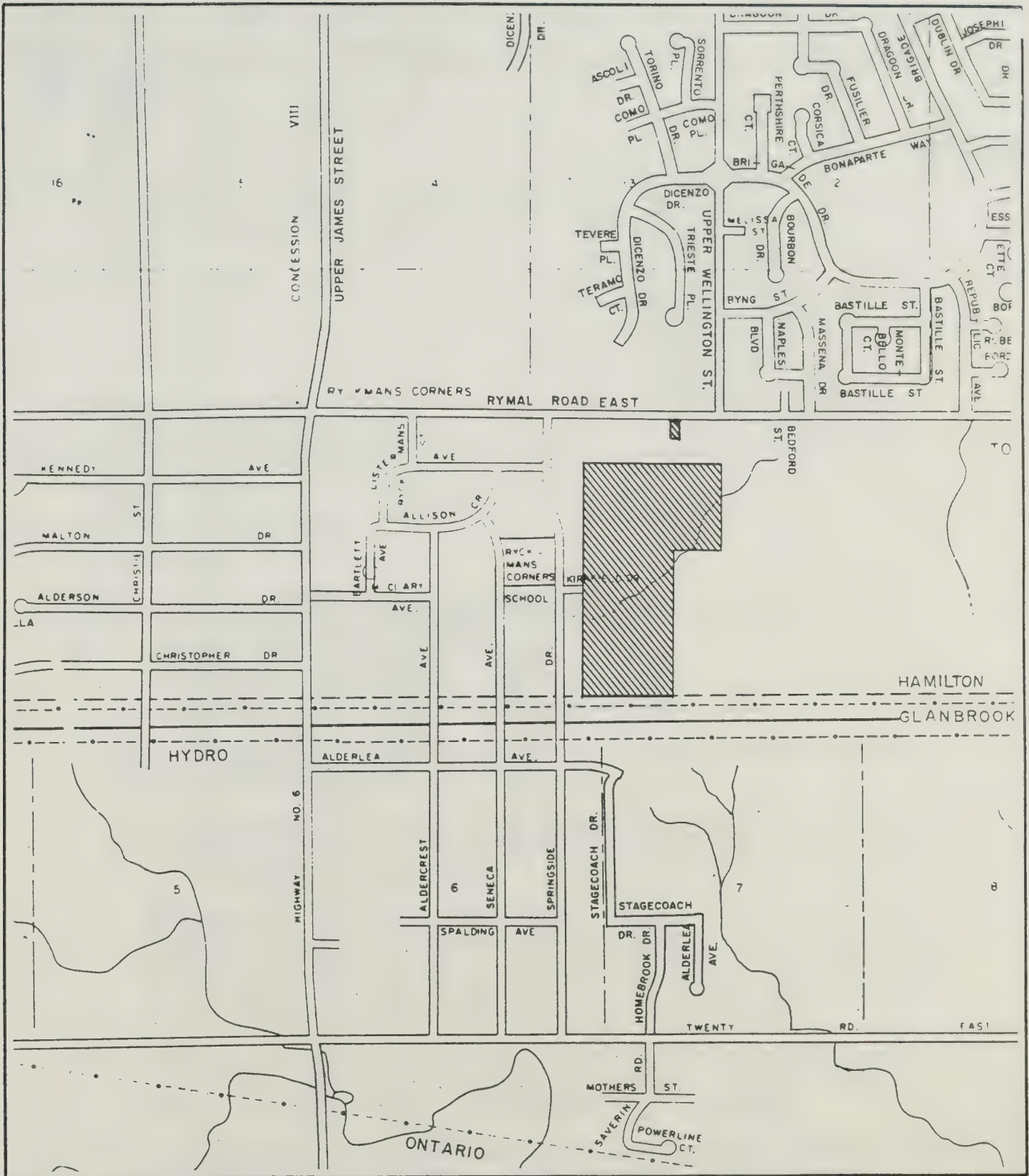
Legend

Proposed change in zoning from "AA" (Agricultural) District to:

- | | | |
|---------|---|--|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc.) District. |
| BLOCK 2 |  | "R-4" (Small Lot Single-Family Detached) District. |



CI 92-C



Location Plan For

ALLISON ESTATES

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale
NOT TO SCALE

Date
DEC. 18, 1991

Reference File No.
25T-91014

Drawing No.
Z. K.

APPENDIX D

· "Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1993 January 26"



., TransCanada PipeLines

TRANSCANADA PIPELINES TOWER, 111 - FIFTH AVENUE S.W.
P.O. BOX 1000, STATION M, CALGARY, ALBERTA T2P 4K5

(403) 267-6100

January 18, 1993

JAN 25 1993

CITY CLERKS

6a7

Secretary
Planning and Development
The Corporation of the City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Sir/Madam:

Re: Amended Application from 200 Rymal Road Inc. (Anthony Di Silvestro)
Planning Department File ZA-92-93
Ministry File No. 25T-91014, Allison Estates
Location: Part Lot 7, Concession 1, City of Hamilton
TCPL File: SD 196, MLV 208A + 6.07 to 6.36 km

On January 13, 1993, TransCanada PipeLines received your notice of the public meeting for the above amended application.

We have reviewed this application and note that our easement is contained within the hydro corridor, located at the south end of this development. We have no objections to this zoning application subject to the following conditions:

- 1) All crossings of the right-of-way by roads, services or utilities must first be authorized by TransCanada PipeLines. The crossing applicant will be required to sign TransCanada's standard crossing agreement. This agreement will be binding upon subsequent owners of the roads, services and/or utilities. Crossing approval is required prior to final registration of the subdivision and before the commencement of any work within the subdivision.
- 2) Any grading which will affect the right-of-way or drainage onto it must first be approved by TransCanada. No grading of the right-of-way will be permitted in the absence of such approval or without inspection of the grading operations by TransCanada.
- 3) Should any blasting be required at the site, a report on the methods and charges to be used must be prepared by a qualified blasting engineer and submitted for TransCanada's approval prior to the commencement of blasting operations on the site.
- 4) To prevent encroachment onto the right-of-way, the southerly limit of the development should be permanently fenced off and maintained by the owner. The type of fence should be acceptable to both the City of Hamilton and TransCanada PipeLines.

January 18, 1993
Page Two

- 5) TransCanada PipeLines is regulated by the National Energy Board Act. Section 112 of this act requires any excavation within 30 metres of the pipeline to obtain leave from the Board, therefore TransCanada's District Office in Hannon (phone 416-388-5171) must be notified three business days before any excavation within 30 metres of the pipeline is to be performed.
- 6) No fill or building materials may be stored on the pipeline right-of-way.
- 7) During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the owner(s) to prevent unlimited access by heavy machinery. TransCanada's District Office in Hannon (telephone 416-388-5171) must be given three working days advance notice before the commencement of construction on the site.
- 8) The owner must ensure that all contractor(s) and sub-contractors are fully aware of and observe the foregoing conditions.

Thank you for keeping us informed of development near our facilities. If you have any questions, please call me at (403) 267-8747.

Yours truly,



Janice Lattin
Technician I
Right-of-Way

cc: Ken Spriggs
Roel Lancee
Bob Smith

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JAN 27 1993

CITY CLERKS

DATE: 1993 January 26
CI-92-H
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee


FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: City Initiative 92-H - Part of No. 96 Mary Street (Beasley Park)

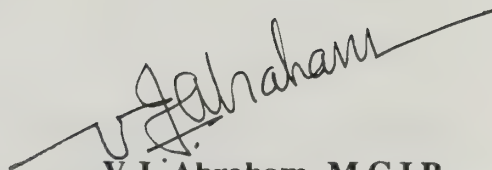
RECOMMENDATION:

That City Initiative 92-H, for a modification to the established "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations, to permit a public parking area (five spaces), for property located at part of No. 96 Mary Street (Beasley Park), as shown on the attached map marked as Appendix "A", be **DENIED** for the following reasons:

- i) It conflicts with the intent of the Official Plan, which designates the subject lands "CENTRAL POLICY AREA"; and with the Approved Beasley Neighbourhood Plan, which designates the subject lands "PARK AND RECREATIONAL". In this regard, land uses within areas designated "CENTRAL POLICY AREA" are to be detailed through Approved Neighbourhood Plans. The intent of the Approved Neighbourhood Plan is that the subject lands be used for "PARK AND RECREATIONAL" purposes;
- ii) From a planning perspective, to permit public parking on lands designated and acquired for park purposes is not appropriate; particularly since a number of feasible alternatives for the proposed parking area, which do not involve the use of parkland and which could be more secure and more accessible to users, have been identified; and,
- iii) Approval of this City Initiative could encourage other similar proposals, which, if approved, could undermine the intent of the Official Plan and the Approved Neighbourhood Plan with respect to the development of designated parkland.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

As a result of the reconstruction of Beasley Park, Elgin Street was closed north of Wilson Street and south of Cannon Street East. This decreased the availability of on-street parking for five dwellings on Cannon Street (Nos. 136 to 144), just west of Elgin Street. The proposal is to construct a 9.5 m x 14 m gravel parking area for five vehicles, within Beasley Park, east of the north-south public assumed alley, approximately 47 m south of Cannon Street (see Appendix "B"), to be available for use by the Cannon Street residents.

On September 21, 1992, the Transport and Environment Committee considered a report from the Director of Public Works respecting the provision of parking for the dwellings along Cannon Street. The Report outlined four options to provide for residential parking:

- 1) Permit parking on Mary Street and Elgin Street, immediately north of Wilson Street;
- 2) A parking area to be provided adjacent to the north/south alley within the Beasley Park;
- 3) Overnight parking on Cannon Street; and
- 4) Parking to be provided on Elgin Street immediately south of Cannon Street, by realigning the existing curb line.

The Public Works Department recommended approval of Option 4), because it would provide residential parking that would be accessible to the dwellings on Cannon Street East; the parking would be visible and therefore more secure; it would not involve expenditure of P.R.I.D.E. funds; and would not undermine the development of the Park (see Appendix "C").

However, the City's Transport and Environment Committee recommended approval of Option 2) and directed that the item be referred to the Parks and Recreation Committee for consideration. On September 22, 1992, the Parks and Recreation Committee recommended that the Beasley Park Development Plan be amended to provide for the parking area adjacent to the alley, within Beasley Park; that the City Parks By-law No. 89-74 be amended accordingly; and that the Planning and Development Committee be requested to initiate the modification of zoning at Beasley Park to allow residential parking. On September 29, 1992, City Council approved this recommendation.

LOT SIZE AND AREA:

- a lot width of 39.770 m;
- a lot depth of approximately 69.553 m; and
- a lot area of approximately 2,764.195 m².

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Beasley Park	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north	one and two-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the south	Beasley Park	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District

to the east	Beasley Park	"A" (Conservation, Open Space, Park and Recreation) District, modified, and "J" (Light and Limited Heavy Industry, etc.) District, modified
to the west	industrial (Cannon Knitting Mills)	"J" (Light and Limited Heavy Industry, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept of the Official Plan. The following policies apply:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7;
 - iv) Open Space Uses such as, but not limited to, parks, public or private recreational facilities, arena, stadia and pathways, and in keeping with the Open Space policies set out in Subsection A.2.4 of this Plan;
- A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan.
- B.3.3.6 Where necessary and feasible, off-Street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All PARKING areas will be suitably surfaced to resist degradation from the elements or use and, where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

Policy A.2.8.2 states that the location of uses permitted within the "CENTRAL POLICY AREA" will be detailed through Approved Neighbourhood Plans. The subject lands are designated "PARK AND RECREATIONAL" in the Approved Beasley Neighbourhood Plan. In this regard, the proposal to utilize the subject lands for public parking conflicts with the intent of the Official Plan. However, if the application is approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

As stated above, the subject lands are designated "PARK AND RECREATIONAL" on the approved Beasley Neighbourhood Plan. The proposal conflicts with the intent of the Neighbourhood Plan. If the City Initiative is approved, the subject lands should remain designated "PARK AND RECREATIONAL" to allow for future use of the lands for park.

COMMENTS RECEIVED:

- The Building Department has advised that:

"The requirements of Section 18A(1)(f), (11), (12) and (30) do not appear to be complied with."

The Building Department further advises that a variance to Section 18A(9) would also be required.

- The Hamilton-Wentworth Roads Department advises that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

The alley adjacent to the subject lands is public assumed.

Included in the tree trimming, the City should ensure adequate motorist sight visibility when entering or exiting the subject lands into the alley."

- The Hamilton Region Conservation Authority and the Traffic Department have no comments or objections.

COMMENTS:

- 1) The proposal conflicts with the intent of the Official Plan, which designates the subject lands "CENTRAL POLICY AREA"; however, if the City Initiative is approved an Official Plan Amendment would not be required.

- 2) The proposal conflicts with the intent of the Beasley Neighbourhood Plan, which designates the subject lands "PARK AND RECREATIONAL"; however, if the City Initiative is approved a Neighbourhood Plan Amendment would not be appropriate.
- 3) Although the public parking area has been approved by the Transport and Environment Committee and City Council (see Background), from a planning perspective, permitting public parking on lands acquired and designated for park purposes is not appropriate and can not be supported for the following reasons:
 - i) it conflicts with the intent of the Official Plan, which designates the subject lands "CENTRAL POLICY AREA"; and with the intent of the Approved Beasley Neighbourhood Plan, which designates the subject lands "PARK AND RECREATIONAL". In this regard, land uses within areas designated "CENTRAL POLICY AREA" are to be detailed through Approved Neighbourhood Plans. The intent of the Approved Beasley Neighbourhood Plan is that the subject lands be used for "PARK AND RECREATIONAL" purposes;
 - ii) a number of feasible alternatives for parking have been identified by the Public Works Department, including:
 - Permit parking on Mary Street and Elgin Street, immediately north of Wilson Street;
 - Overnight parking on Cannon Street; and
 - Parking to be provided on Elgin Street immediately south of Cannon Street, by realigning the existing curb line.

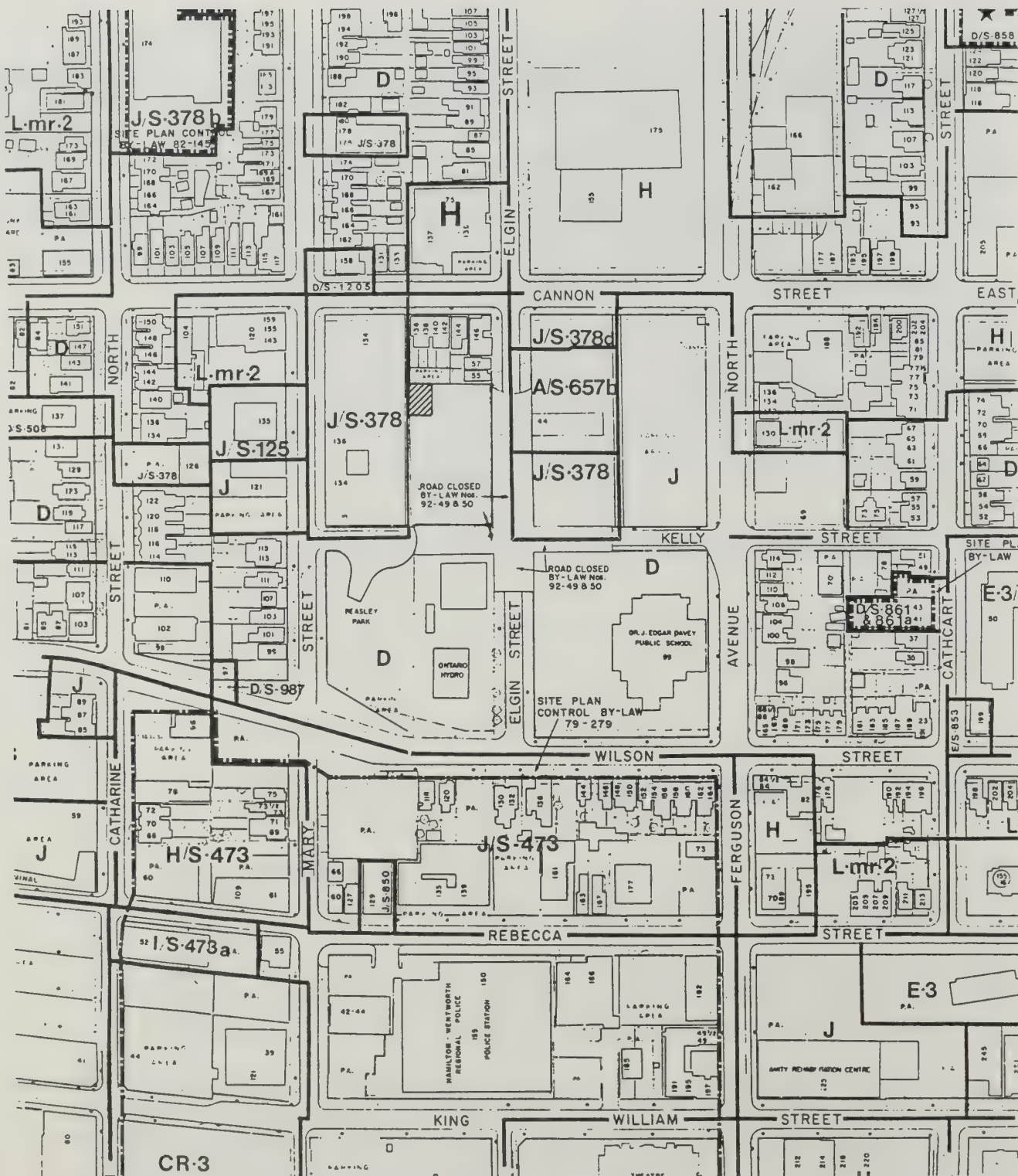
These alternatives could offer parking that could be more secure and more accessible to users, and would not necessitate the utilization of parkland; and,
 - iii) approval of this City Initiative could encourage other similar proposals, which, if approved, could undermine the intent of the Official Plan and the Approved Neighbourhood Plan with respect to the development of designated parkland.
- 4) For the information of the Committee, the Hamilton-Wentworth Police Department has indicated that public parking areas which are hidden from view can pose safety and security problems. Consequently, as this proposed parking area is hidden from view (ie. located off an alleyway, behind buildings and not visible from the main roads) it could pose safety and security problems.

- 5) Also for the information of the Committee, it should be noted that recent studies (Beasley Neighbourhood: A Profile - Draft) undertaken by the Planning and Development Department, have identified that the required parkland for the Beasley Neighbourhood is 2.76 ha (6.83 acres), whereas there are currently only 1.39 ha (3.44 acres) of parkland within the Neighbourhood. This represents an existing deficiency of 1.37 ha (3.39 acres). Furthermore, there is a total of 2.27 ha (5.62 acres) of parkland designated within the Neighbourhood (ie. including areas designated for park but not yet acquired by the City), which represents a designated parkland deficiency of 0.49 ha (1.21 acres).

CONCLUSION:

On the basis of the foregoing, the City Initiative can not be supported.

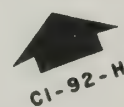
CL-M/ma



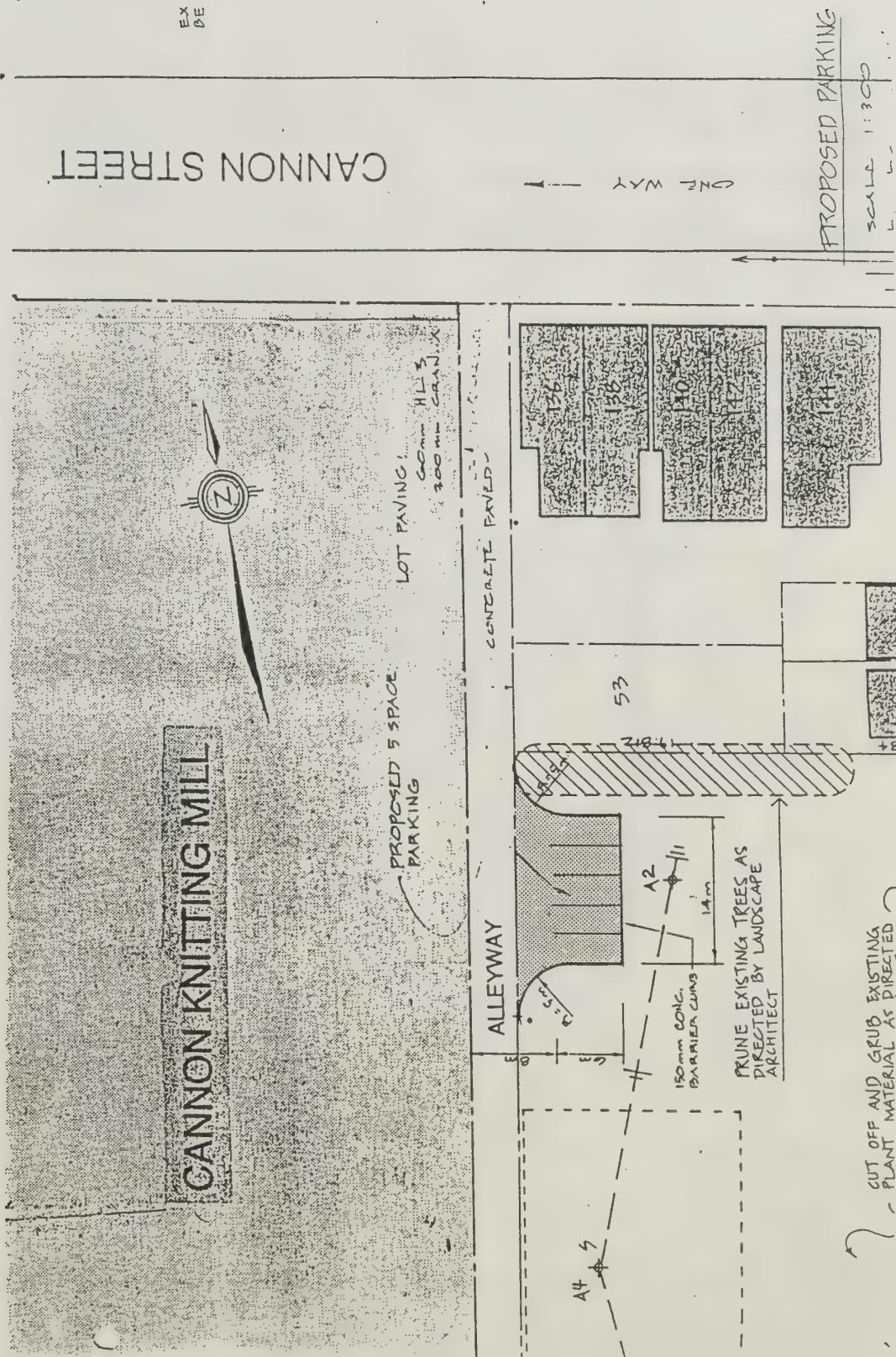
Legend

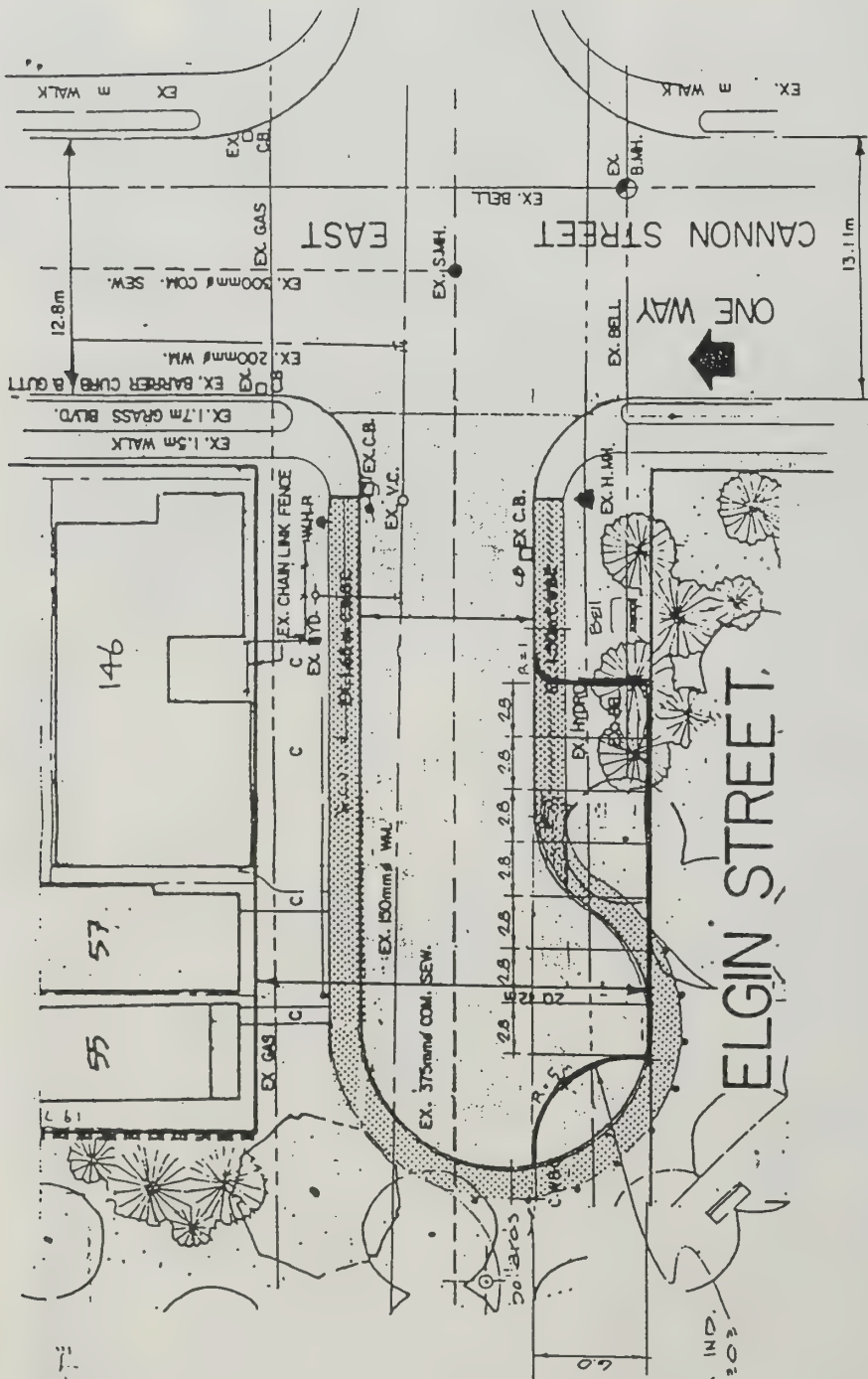


Site of the Application



APPENDIX A





PROPOSED PARKING
ON ELGIN STREET

SCALE 1:200 JULY 16/52

PROP. 150mm IND. CURB R/S 303

PAVEMENT WIDENING
40mm H/S
120mm H/S
400mm GRAN. 'X'

PROP. 150mm IND.
CURB R/S 303

7a)

RECEIVED

JAN 25 1993

CITY CLERKS Re CI-92-H

Stella Pittanti,
909 Turner St. E.,
Clearwater Fla
34616

I am very interested in the way the parking spaces are to be allotted. Also where are the visitors or relatives to be able to park. My sons have parked in the empty spaces, they were told they 'could not park there, even if the space was vacant at the time. Who has the authority to tell them to move? They were checking on their mother - a very shout, but timely visit. Please answer to the above address thank you



1993 February 10

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 February 17
9:30 o'clock a.m.
Room 233, City Hall

A handwritten signature in dark ink, appearing to read 'Tina Agnello'.

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

1. **CONSENT AGENDA**
2. **COMMISSIONER OF PLANNING AND DEVELOPMENT**
 - (a) Site Plan Control Application DA-92-43, Hamilton-Wentworth Roman Catholic Separate School Board, owner, of land located at No. 45 Rifle Range Road; Ainslie Wood Neighbourhood
 - (b) Site Plan Control Application DA-92-35, Sons of Italy, prospective owner, of land located at No. 55 Towercrest Drive; Jerome Neighbourhood

10:30 O'CLOCK A.M.

PUBLIC MEETINGS

3. Zoning Application 92-45, Hazell Ross-Iampietro (Clar Del Retirement Home), owner, for a modification to the established "C" District regulations, for property located at No. 185 Delaware Avenue; St. Clair Neighbourhood

(a) Submission: Charles H. Forsyth, 175 Delaware Avenue, Hamilton

(b) Submission: John & Margaret Whyte, 177 Delaware Avenue, Hamilton

4. Zoning Application 92-19, Rolando P. Baldessarini, owner, for a change in zoning from "D" District to "G-3" District, for property located at No. 412 Charlton Avenue West; Kirkendall North Neighbourhood

4.1 Report from Commissioner of Planning and Development

4.2 Report from Director of Traffic Services

(a) Submission: Brian Sayer, 64 Chatham Street, Hamilton (dated 1993 Jan. 27)

(b) Submission: Brian Sayer, 64 Chatham Street, Hamilton (dated 1993 Feb. 8)

(c) Submission: Shirley Anne Deans, 2-409 Charlton Avenue West, Hamilton

(d) Submission: Peter & Patricia Simmons, 382 Charlton Avenue West, Hamilton

5. **OTHER BUSINESS**

6. **ADJOURNMENT.**

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Mobile Signs		Planning	Report Pending
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 January 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
11-13 Holmes Avenue 19th Century Log Home	1992 June 24	Planning	Report pending
ZA-91-12 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
ZA-92-03 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
ZA-92-19 412 Charlton Avenue West	1992 September 23	Traffic	Tabled for review of traffic conditions

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
Lot Grading with respect to Land Severance Applications creating One, Two & Three Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
CI 92-H, 96 Mary Street (Beasley Park)	1993 February 3	Alderman V. Agro	Tabled to allow Alderman Agro to attend
Revitalization of Barton Street	1993 February 3	Mayor R. M. Morrow	Various departments to report back on Mayor's request
1993 February 10			

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 FEBRUARY 17

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee for its meeting held 1993 February 3rd.

B. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

- i) 1993-1994 Designated Property Grants - Resolution Passed by City of Woodstock Council
- ii) Designation - Stewart Memorial Church - 114 John Street North

C. DIRECTOR OF PUBLIC WORKS

Main West Esplanade Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1993

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

Application to remove part-lot control from Part of Plan 62M-657 and Part of Lot 3, Plan 1059 within the "Randall Estates - Phase 6 and Stone Church Survey" Subdivisions

E. BUILDING COMMISSIONER

- i) 450 Burlington Street East
- ii) 538 Wentworth Street North
- iii) 1118 Upper James Street
- iv) 643 Rymal Road West
- v) 246 MacNab Street North

F. SECRETARY, PLANNING AND DEVELOPMENT

Information Items

Wednesday, 1993 February 3
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman Wm. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico

Also Present: Alderman D. Ross
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Joanne Hickey-Evans, Planning Department
Bill Janssen, Planning Department
Lou Lanza, Planning Department
Jacqueline McNeilly, Public Works Department
Peter Lampman, Building Department
Brian Allick, Building Department
Eugene Chajka, Roads Department
Dave Powers, Law Department
Roland Karl, Traffic Department
Tina Agnello, Secretary

1. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the Planning and Development Committee held 1993 January 20 were approved as circulated.

B. DIRECTOR OF PROPERTY

MacNab Street Truck Tunnel - Unitel Cable Installation - Lloyd D. Jackson Square

As recommended by the Director of Property in a report dated 1993 January 27 the Committee recommended to Council as follows:

- (a) That approval be given to Unitel Communications Inc. to construct, maintain, and operate two fibre optic cables in that portion of the MacNab Street Truck Tunnel, which lies between King Street West and Main Street West, under the City's jurisdiction;
- (b) That an agreement between The Corporation of the City of Hamilton and Unitel Communications Inc. be entered into, in a form satisfactory to the City Solicitor, prior to the commencement of the installation of the conduits and cables;

- (c) That the term of the agreement be at the sole pleasure of City Council and cancellable upon 90 days written notice to Unitel by the City;
- (d) That Unitel be required to pay for the City's reasonable administrative costs incurred in the course of arranging this agreement, together with the City's reasonable legal expenses;
- (e) That the Mayor and City Clerk be authorized to execute this agreement on behalf of the City.

C. DIRECTOR OF PUBLIC WORKS

Application for Funding under the Federal Job Development Grant Programme

As recommended by the Director of Public Works in a report dated 1993 January 19 the Committee recommended to Council as follows:

- (a) That the Community Renewal Section of the Public Works Department be authorized to make application to the Federal Government, Canadian Job Strategies Unit, for funds under the Job Development Grant Programme totalling approximately \$100,000. to hire temporary full-time staff for placement in a central Business Improvement Area office located on Barton Street to carry out special projects for the Public Works Department in co-operation with Hamilton's B.I.A.'s; and,
- (b) That the City of Hamilton through the Commercial Improvement Programme and Phase IV of the Downtown Action Plan, Business Development Seminar, contribute \$3,000. towards the Job Development Grant overhead costs (\$1,500. each); and,
- (c) That the Mayor and City Clerk be authorized to sign the Federal/Municipal Agreement for the purpose of implementing the Job Development Grant Programme; and,
- (d) That the City Treasurer be authorized to carry out the payroll administration of the Job Development Grant Programme; and,
- (e) That the Public Works Department, Community Renewal Section be authorized to carry out all remaining financial administrative duties for the Job Development Grant Programme.

D. BUILDING COMMISSIONER

- (a) **City of Hamilton Heritage Programme - 221 Ferguson Avenue South**

As recommended by the Building Commissioner in a report dated 1993 January 18 the Committee recommended to Council as follows:

That a Designated Property Grant in the amount of seven hundred and ninety seven dollars (\$797.) be provided to Ilize Dreimanus.

(b) Demolition Permits

As recommended by the Building Commissioner in various reports dated 1993 January 26 the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue demolition permits for:

- (a) 15 Limeridge Road East
- (b) 23 Limeridge Road East
- (c) 31 Limeridge Road East
- (d) 418 Limeridge Road East
- (e) 217 Brant Street
- (f) 79 Hillview Street
- (g) 18 Silverton Avenue

E. COMMISSIONER OF PLANNING AND DEVELOPMENT**(a) Authorization for a Public Meeting - Proposed Plan, Falkirk West Neighbourhood**

As recommended by the Commissioner of Planning and Development in a report dated 1993 January 25 the Committee resolved as follows:

That the Planning and Development Committee authorize a public meeting to discuss the proposed Neighbourhood Plan and accompanying Official Plan amendment.

(b) Authorization for a Public Information Meeting - Central/Beasley Neighbourhoods

As recommended by the Commissioner of Planning and Development in a report dated 1993 January 26 the Committee resolved as follows:

That the Planning and Development Committee give authorization to the Planning and Development Department to hold a Public Information Meeting for the Central and Beasley Neighbourhoods (see Appendices "A" and "B") to advise area residents, businesses and organizations of the Neighbourhood Plan Reviews and to solicit concerns and issues about the Neighbourhoods which may be addressed during the Review Process.

(c) Extension of Draft Plan Approval (25T-76024) for "Battleridge" Subdivision; Gershome Neighbourhood

As recommended by the Commissioner of Planning and Development in a report dated 1993 January 25 the Committee recommended to Council as follows:

That the Region be requested to grant a three-year extension to the draft approval for "Battleridge" Subdivision (Regional File No. 25T-76024).

- (d) **Proposed Draft Plan of Condominium, 25CDM-90012, Robertson Place - Phase 1 and 2, Michael McConnell, Mary McConnell, Frederick Luchak, owners, to establish a draft plan of condominium located on the north-east corner of Herkimer Street and Park Street South; Durand Neighbourhood**

As recommended by the Commissioner of Planning and Development in a report dated 1993 January 22 the Committee recommended to Council as follows:

- (a) That approval be given to application 25CDM-90012, Michael McConnell, Mary McConnell, Frederick Luchak, owners, to establish a draft plan of condominium located on the north-east corner of Herkimer Street and Park Street South, subject to the following conditions:
- (i) That this approval apply to the plans prepared by Ashenhurst Nouwens Limited for Phase 1 and 2 dated July 16, 1990, showing a total of 7 residential units.
 - (ii) That Site Plan Control Application DA-92-40 be finalized prior to the release of the final plan of condominium for Phase 2 by the City of Hamilton.
- (b) That the Commissioner of Planning and Development for the Regional Municipality of Hamilton-Wentworth be advised by Council's decision.

2. **MAYOR R. M. MORROW: PRESENTATION ON REVITALIZATION OF BARTON STREET**

The Committee suspended the rules of order to hear an unscheduled presentation by the Mayor.

Mayor Morrow provided the Members with a 3 page summary of his presentation. He explained that the vacancy rate for community shopping and commercial has recently risen from 37% to 50% and that this area is in dire need of support to encourage revitalization. To this end partnerships are being attempted with various community and social groups.

The Mayor has organized and attended various meetings with the BIA and other groups in the area with the intent of creating a strategic or community development plan.

To date a Business Improvement Area Office has been established on Barton Street. The Parking Authority is in the process of developing a parking lot in the area and a mural programme in cooperation with a School of Arts has been initiated.

The Mayor proposed that Regional and City Departments decentralize offices on Barton Street and advised that the Municipal Non-Profit (Hamilton) Housing Corporation has submitted 2 proposals to the Ministry of Housing for development of Non-Profit Housing. He further proposed that a Community Development Council be formed to prepare a business plan of the BIA, that the Building Department market available financial incentive programs to business owners and that through provincial and federal financing and private sector redevelopment a pilot project be developed to rejuvenate Barton Street

He stressed that with development moving eastbound the economic impacts of the revitalization will be great.

Mayor Morrow requested the Committee to adopt his report and direct staff to come back with proposals to implement his strategies.

The Planning and Development was in support of the Mayor's proposals and moved to receive his report.

3. REFERRAL BACK FROM COUNCIL

Objection to By-law 92-281 Re: Housing Intensification Strategy

Mr. Robert Anderson of 206 West 18th Street, the objector, was present. He felt that homes which do not meet the requirements of the by-law at the time of passing should not be permitted to enlarge their property for the purpose of allowing additional units. He therefore suggested the following change:

from: "The minimum unit size shall be 6.2 m² (699.65 sq. ft.) with a minimum clear ceiling of 2.1m (6.9 ft);"

to: "The minimum unit size shall be the original 65m² (699.65 sq. ft.) at the time of amendment (date) with a minimum clear ceiling height of 2.1m (6.9 ft.)"

The chairperson advised that people have the right to relief from zoning by-laws through the Committee of Adjustment and as such cannot be prevented from building additions to their homes.

Alderman Ross stated that residents are concerned that the enforcement of "C" zoning is not being conducted since the City does not have the right to enter inspect premises. As such it is difficult to enforce the By-law. He felt that the proposed by-law will spread this problem throughout the City and especially on the mountain where most homes meet the minimum requirement for duplexing.

Alderman Ross was also concerned that there was no adequate public input regarding the Housing Intensification By-law.

Alderman Wilson said that many public meetings were held. The by-law is well thought out and as such he supports it. 700 sq. ft. for an apartment is not unreasonable.

Alderman Eisenberger concurred and added that it is not economically viable for everyone in "C" zones to convert an apartment.

Alderman Kiss supported the amendment proposed by Mr. Anderson because she is of the opinion that the by-law as it will mean the end of "C" residential zoning.

Alderman Charters advised that the Province is in the process of drafting legislation that will allow inspection of premises. He felt that there is no problem with this by-law because parking and other requirements for the newly created unit are required to be addressed.

Alderman Merling was concerned that many homes will have the ability to sever off a 700 sq. ft. apartment with no regard to soft services and other infrastructure such as schools, libraries and recreation facilities. He supports reconsideration of the by-law.

After discussion the Committee moved that the following recommendation be forwarded to Council for approval.

That the objection to By-law 92-281 regarding Housing Intensification Strategy, attached hereto as Appendix "A" be received.

4. SENIOR DIRECTION, ROADS DEPARTMENT AND BUILDING COMMISSIONER

Lot Grading Control with respect to Land Severance Applications Creating One, Two and Three Lots

Peter Lampman gave a brief overview of the report.

After brief discussion, Alderman Merling suggested that the report be tabled to investigate how other area municipalities deal with these severances and to re-form a sub-committee to review the matter.

Prior to voting on the motion the Planning and Development Committee resolved to amend the recommendation by deleting sub-section (d).

Further to the Planning and Development Committee resolved to table the recommendation of the Senior Director, Roads Department and Building Commissioner dated 1993 January 24 as amended for review by the same Sub-Committee which reviewed this matter previously comprises of Alderman Merling and staff.

Alderman Kiss suggested that citizen members be included in the sub-committee.

5. COMMISSIONER OF PLANNING AND DEVELOPMENT

Zoning Application 92-49, Primecan Holdings Inc., owner, for removal of the "H" (Holding) symbol, for lands located on the west side of Upper Wellington Street, south of Limeridge Road East; Jerome Neighbourhood

Paul Mallard explained that this is a lifting of a holding provision of property which has been previously zoned. The applicant has entered into agreements to sell land to Municipal Non-Profit Housing and Sons of Italy.

That applicant was present in support of his application.

Alderman Merling was concerned that the area is being saturated with townhouses. In this case the "E" zone allows townhouses and the properties have already be zoned but the "E" zone needs re-evaluation.

Paul Mallard advised that the Planning Department is presently reviewing the "E" zone uses.

As recommended by the Commissioner of Planning and Development in a report dated 1993 January 22 the Committee recommended to Council as follows:

That approval be given to Zoning Application 92-49, Primecan Holdings Inc., owner, requesting the removal of the "H" (Holding) symbol provision under Section 36 of the Planning Act, to permit the development of the subject lands for single-family dwellings (Blocks "1"), multiple dwellings (Block "2") and townhouses or maisonettes (Block "3"), and the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 91-72, and Zoning District Map E-9B for presentation to City Council for the lands located on the west side of Upper Wellington Street, south of Limeridge Road East, shown as Blocks "1", "2", and "3" on the attached map marked as Appendix "B".

* Alderman H. Merling Opposed

6. PUBLIC MEETINGS

City Initiative 92-C, for changes in zoning from "AA" District to "C" District for Block "1" and to "R-4" District for Block "2", for lands located at the rear of No. 240 Rymal Road East; Allison Neighbourhood

A submission was received by Janice Lattin, TransCanada Pipelines, Calgary, Alberta

Of 21 notices mailed, 2 replied in favour and 1 opposed.

and

7. Subdivision Application 25T-91014 and Zoning Application 92-23, 200 Rymal Road Inc. (Anthony DiSilvestro), owner, for changes in zoning from "AA" District to "B-2" District for Block "1", to "C" District for Block "2" and to "R-4" District for Block "3", for lands located on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street; Allison Neighbourhood

A submission was received by Janice Lattin, TransCanada Pipelines, Calgary, Alberta

Of 92 notices mailed, 11 replied in favour and 2 were opposed.

Paul Mallard advised that the proposals comply with the intent of the Official Plan. Change would be required to the Neighbourhood Plan for the draft plan of subdivision. The development is compatible with existing and proposed development in this area.

Marshall Bethune of 176 Rymal Road East was present and requested a landscape buffer adjacent to his property. Alderman Merling advised him that this is a site plan, consideration.

As recommended by the Commissioner of Planning and Development in a report dated 1993 January 25 the Committee recommended to Council as follows:

That approval be given to City Initiative 92-C Regional Municipality of Hamilton Wentworth, owner, for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit single-family detached dwellings on Block "1", and small lot single-family detached dwellings on Block "2", in conjunction with development of the abutting lands to the west, for rear lands municipally known as 240 Rymal Road East, as shown on the attached map marked as Appendix "C", on the following basis:

- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9D and E-18E for presentation to City Council;

- (iv) That the proposed changes in Zoning are in conformity with the Official Plan for the Hamilton Planning Area.

As recommended by the Commissioner of Planning and Development in a report dated 1993 January 25 the Committee recommended to Council as follows:

A. That approval be given to amended Zoning Application 92-23, 200 Rymal Road Inc., (Anthony DiSilvestro), owner, requesting changes in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District modified (Block "1"), to "C" (Urban Protected Residential, etc.) District (Block "2"), and to "R-4" (Small Lot Single-Family Detached) District (Block "3"), to permit large lot single-family detached dwellings (Block "1"), single-family detached dwellings (Block "2"), and small lot single-family detached dwellings (Block "3"), for property located on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street, as shown on the attached map marked as Appendix "D", on the following basis:

- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "B-2" (Suburban Agriculture and Residential, etc.) District;
- (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (iii) That Block "3" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (iv) That the "B-2" (Suburban Agriculture and Residential, etc.) District regulations as contained in Section 8B of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
 - (a) Notwithstanding the provisions of Section 8B(4) of By-law No. 6593, a maximum of 29 lots shall have a minimum lot width of 15.0 m and an average lot area of 510.03 m² of which no lot shall have an area of less than 480.0 m²;
- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council;
- (vi) That the proposed changes and modification in zoning are in conformity with the Official Plan for the Hamilton Planning area;
- (vii) That the Allison Neighbourhood Plan be amended by changing the road pattern to conform to the layout of the roads shown on the subdivision plan and, to redesignate lands as shown on Appendix "B" as follows:

Block "A" - from "Park and Recreation" to "Single and Double Residential";

Block "B" - from "Single and Double Residential" and "Utilities" to "Park and Recreational";

Block "C" - from "Attached Housing" to "Single and Double Residential".

B. (a) That approval be given to application 25T-91014, Allison Estates, 200 Rymal Road Inc., (A. DiSilvestro), owner, to establish a draft plan of subdivision in the area east of Upper James Street between Rymal Road East and the southerly limits of the City, subject to the following conditions:

- (1) That approval apply to the plan prepared by Urbex Engineering Ltd., dated May 21, 1992, as revised now showing 150 lots for single family dwellings, and various Blocks for road, park and future residential purposes.
- (2) That the final plan conform with the Zoning By-law approved under the Planning Act.
- (3) That the streets be dedicated to the City of Hamilton as public highways in the final plan.
- (4) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (5) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (6) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and total area of the subdivision in the final plan.
- (7) That the owner convey Block 158 to the City of Hamilton for park purposes.
- (8) That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future expansion of the road allowances or development of abutting lands.
- (9) That no lands within the proposed draft plan of subdivision be developed until a storm and sanitary sewer outlet is available on Rymal Road East and Upper Wellington Street to service the subdivision.
- (10) That a 200mm diameter watermain be constructed on Kirkfield Road from Jacqueline Boulevard to Springside Drive for looping purposes. Regional Council approval may be required for the financing of the watermain on Kirkfield Road outside of the subdivision lands.
- (11) That Upper Wellington Street, south of Rymal Road East, be established and constructed to its full width in conjunction with the development of these lands.
- (12) That Jacqueline Boulevard and Trillium Drive, external to the subdivision plan, be established to Upper Wellington Street in conjunction with the development of these lands.
- (13) That the extension of Upper Wellington Street, south of Rymal Road East, align centreline to centreline and maintain the same bearings as the existing portion of Upper Wellington Street north of Rymal Road East.

- (14) That a 26.0m road allowance be established on Upper Wellington Street from the widened limit of Rymal Road East on the south side to extend southerly for a length of 90.0m along the extension of Upper Wellington Street, south of Rymal Road East.
- (15) That a 12.19m x 12.19m daylight triangle be established from the widened limits of Rymal Road East and Upper Wellington Street on the southwest corner.
- (16) That the owner establish 2.0m x 2.0m daylight triangles on the corners of Lots 67 and 108.
- (17) That the owner establish a 12.0m storm and sanitary sewer easement from Jacqueline Boulevard to the west limit of the subdivision over Lot 41. The north limit of the easement is to have the same bearing and be a projection of the south property line of house No. 95 Springside Drive.
- (18) That the Owner establish 9.0m radius transitional curves into and out of the cul-de-sac bulb on Magenta Court.
- (19) That 0.30m reserves be established at the dead-ends of the road allowance on Jacqueline Boulevard (south limit at Lot 126 and east limit at Lot 59) and Serena Drive (east limit at Block 157).
- (20) That Blocks 152 to 164 (inclusive) be developed only in conjunction with the adjacent lands.
- (21) That Block 165 be deleted from the Final Plan of Subdivision, as this piece has already been dedicated to the Region for road widening.
- (22) That the lands shown on the draft plan as "Additional lands of the Owner" be included as a Block in the draft plan and Final Plan of Subdivision.
- (23) That approval for local improvement works (above ground) on the existing portion of Kirkfield Drive, west of the submitted plan, be in place before release of the Final Plan of Subdivision, or alternately the developer construct and pay for above ground servicing on the existing portion of Kirkfield Drive.
- (24) That the applicant be required to enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands.
- (25) That a 0.30m reserve be located at the dead end of the road allowance on Magenta Court.
- (26) That the excess lands of the H.S.R. adjacent to Blocks 159 to 164 (inclusive) which are not required for the extension of Upper Wellington Street road allowance be acquired by the applicant for incorporation into this plan of subdivision.
- (27) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(28) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-91014), 200 Rymal Road Inc. (A. DiSilvestro), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

8. **City Initiative 92-H, for a modification to the "D" District regulations, for property located at No. 96 Mary Street (Beasley Park); Beasley Neighbourhood**

Submissions were received by the following:

- (a) Stella Fittante, 136 Cannon Street East, Hamilton L8L 2A5
- (b) Karen Fraser, CN Rail, 277 Front Street, Suite 401, Toronto

Paul Mallard explained that the Transport and Environment Committee dealt with this matter in 1992 September with regard to parking in conjunction with the Beasley Park Development. As a result the Transport and Environment Committee recommended approval of 5 parking spaces in Beasley Park to Council and as a result the Planning and Development Committee is now considering a City Initiative.

Mr. Mallard advised that the Planning Department does not support the initiative since this use is inappropriate in a park.

Of 364 notices mailed, 18 responded in favour and 2 were opposed.

Jennie Davenport of 140 Cannon Street East and Dorothy Hulsman of 142 Cannon Street East were present in support of the City Initiative.

Alderman McCulloch objected to the City Initiative on the grounds that it provides private parking at the expense of other residents in the City.

A discussion ensued regarding Alderman Agro's involvement with the Beasley Park Development resolved that the recommendation of the Committee of Planning and Development subsequently dated 1993 January 26 tabled to allow Alderman Agro to be present to speak on the matter.

9. **OTHER BUSINESS**

None.

10. **ADJOURNMENT**

There being no further business the Committee meeting adjourned.

TAKEN AS READ APPROVED,

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello
Secretary

ROBERT ANDERSON
206 WEST 18TH STREET
HAMILTON, ONTARIO
L9C 4G8

December 9, 1992

RECEIVED

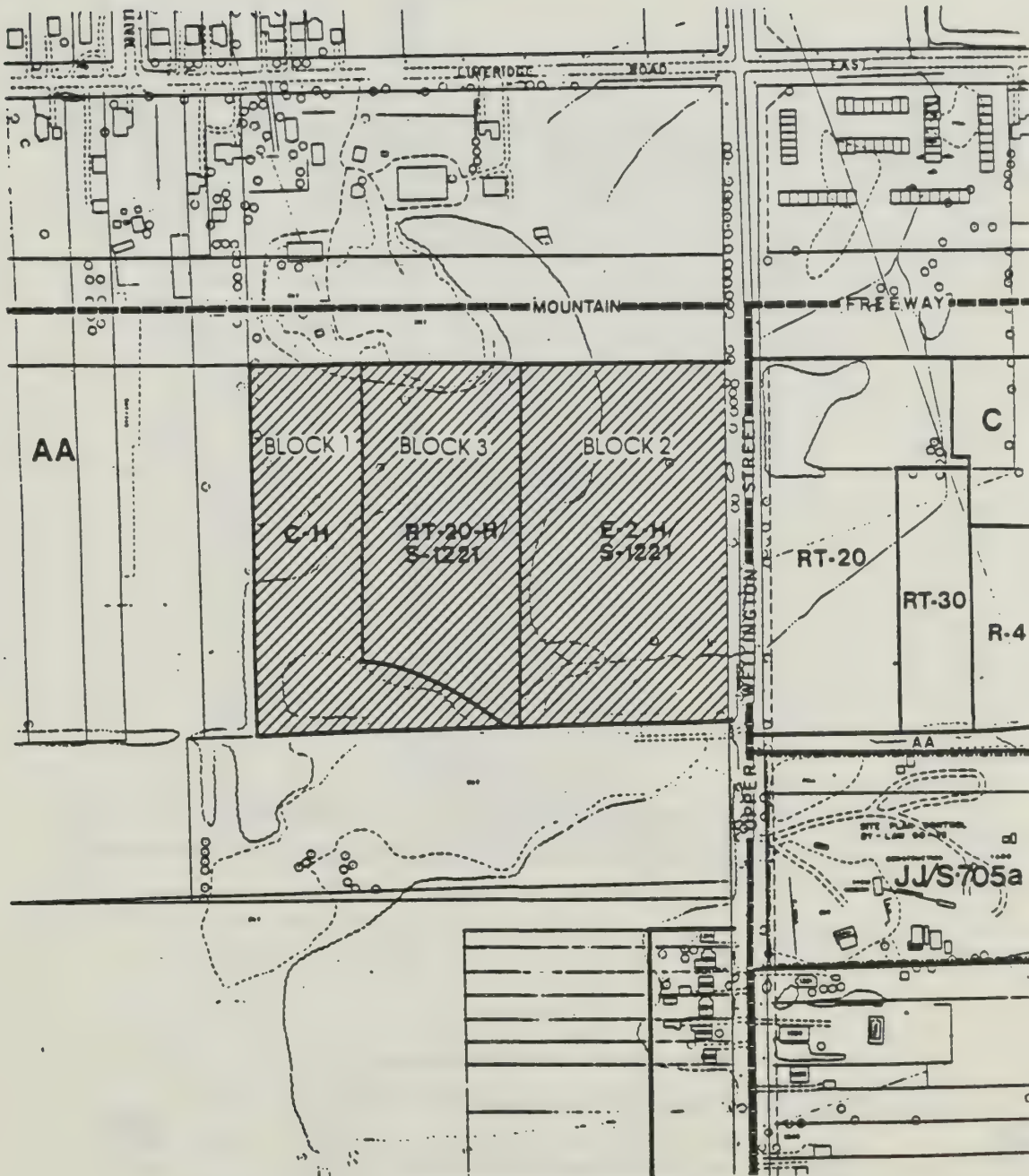
DEC 09 1992

CITY CLERKS

We are objecting to the conversion of Single Family Dwellings into Dual Family Dwellings according to the By-Law 92-281 to amend Zoning By-Law 6593, due to:

- deterioration of the neighbourhood
- devaluation of property by people who wish to maintain it as a Single Family Residential area
- don't want to see encroachment of absentee landlords who purchase said properties for the monetary factor as opposed to worrying about the neighbourhood by neighbours who are trying to maintain the property

Robert J. Anderson



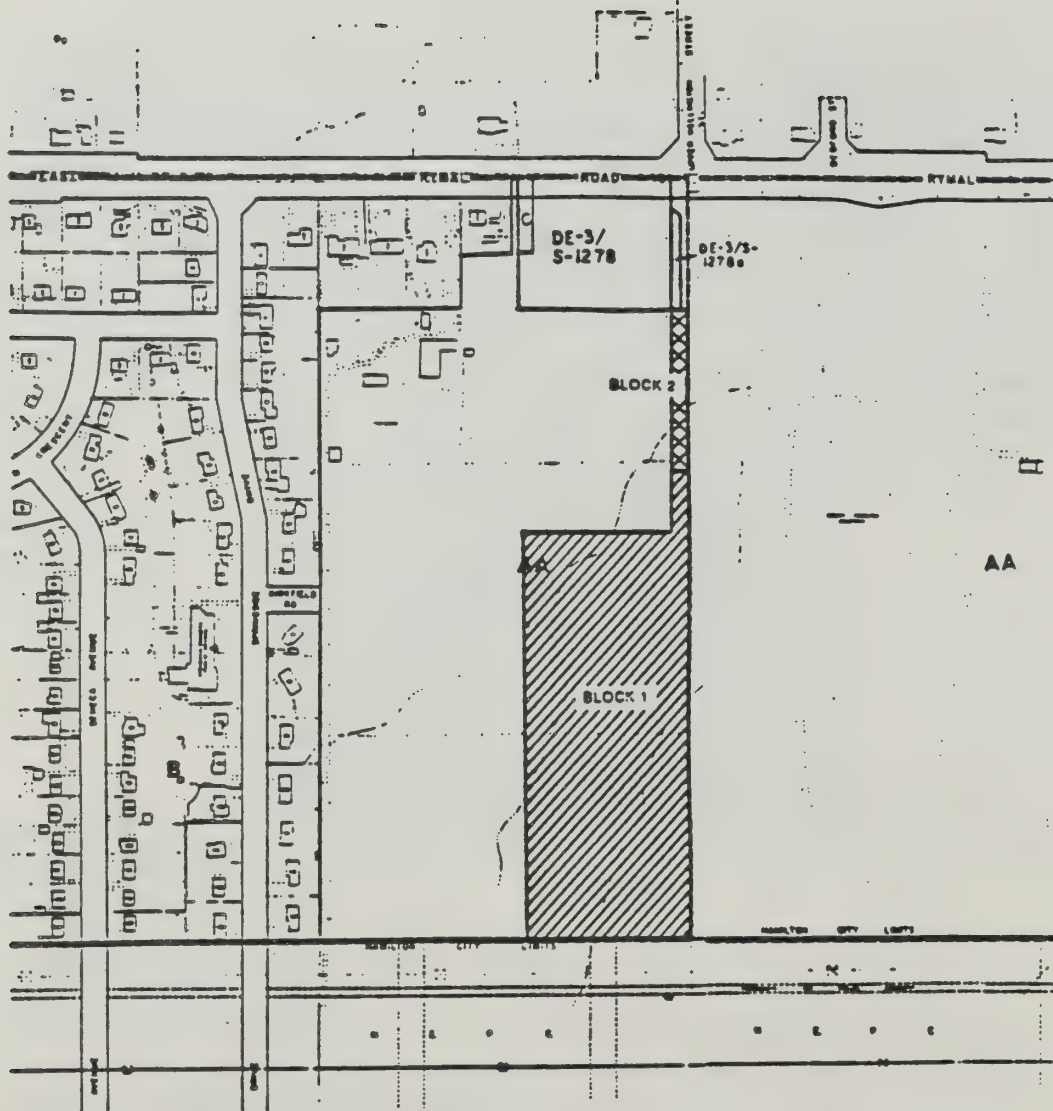
Legend



Site of the Application





Appendix "C" as referred to
in Section 7 of the minutes of
The Planning and Development
Committee meeting held 1993 February 3



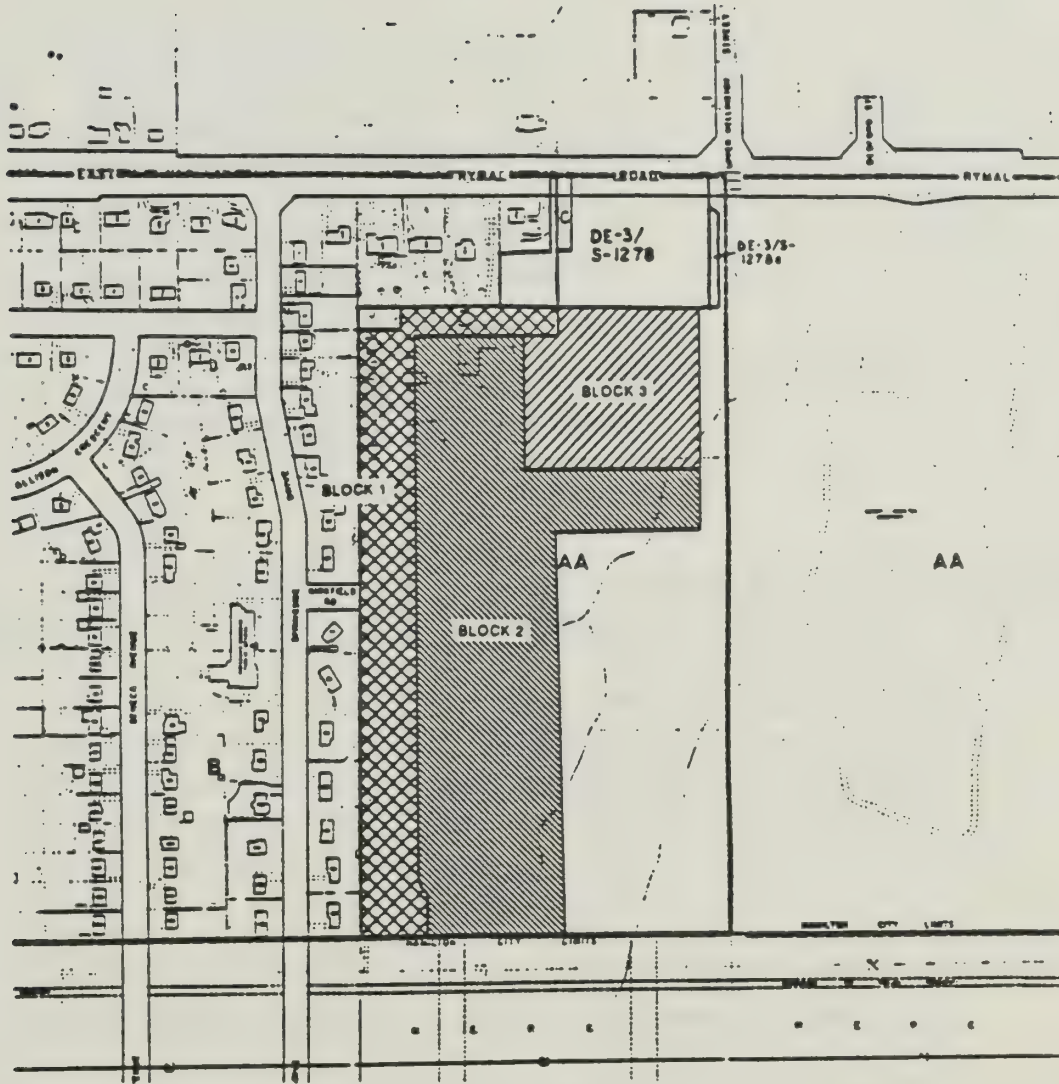
Legend

Proposed change in zoning from "AA" (Agricultural) District to:

- | | | |
|---------|---|--|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc.) District. |
| BLOCK 2 |  | "R-4" (Small Lot Single-Family Detached) District. |






CI 82-C



Legend

Proposed change in zoning from "AA" (Agricultural) District to:

- | | | |
|---------|---|--|
| BLOCK 1 |  | "B-2" (Suburban Residential) District, modified. |
| BLOCK 2 |  | "C" (Urban Protected Residential, etc.) District. |
| BLOCK 3 |  | "R-4" (Small Lot Single-Family Detached) District. |



ZA-81-23

B i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 3

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: 1993/94 Designated Property Grants - Resolution
Passed by City of Woodstock Council

RECEIVED

FEB 03 1993

CITY CLERKS

RECOMMENDATION:

- a) That the following resolution, passed by the Council of the City of Woodstock at the request of the Woodstock LACAC, be endorsed by Hamilton City Council:

That Council requests the Minister of Culture and Communications to continue the Designated Property Grants Program in 1993 as these grants encourage property owners to preserve heritage buildings by recognizing the increased cost of maintaining heritage buildings;

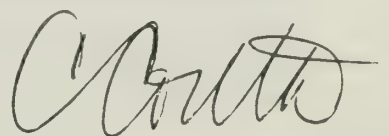
and further, that all Local Architectural Conservation Advisory Committees in Ontario and Community Heritage Ontario (provincial LACAC organization) be requested to endorse this resolution.

- b) That the Minister of Culture and Communications, the local M.P.P.'s and the Woodstock Office of the City Clerk be advised of Council's endorsement of the above resolution.

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1993 February 1 was in receipt of a letter dated 1992 December 23 from the Assistant Clerk, City of Woodstock, requesting the City of Hamilton's endorsement of its resolution respecting 1993 Designated Property Grants.

c.c. Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department
John Gamble, Building Department



Bii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 3

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: Designation Recommendation - Stewart Memorial
Church, 114 John Street North

RECEIVED

FEB - 9 1993

CITY CLERKS

RECOMMENDATION:

- a) That approval be given to the "Intent to Designate" Stewart Memorial Church at 114 John Street North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "A"; and,
- b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Stewart Memorial Church was added to the City's Inventory of Buildings of Architectural and/or Historical Interest by the Local Architectural Conservation Advisory Committee at its meeting held 1991 May 17. Staff was then requested to undertake research for the possible designation of the church building.

In 1992 December, the church congregation voted unanimously in favour of designation and a letter of request with six pages of signatures was submitted to the Planning Department.

Attached

c.c. Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department

REASONS FOR DESIGNATION

Stewart Memorial Church

114 John Street North

Historical Significance

A landmark for Hamilton's Black community, Stewart Memorial Church on John Street North has a distinguished history as the city's oldest surviving Black congregation. With the influx of fugitive slaves into Upper Canada from the 1820s onward, emerged distinctive Black communities. For these early settlers, the church became a central focus, fulfilling both religious and social needs. By the late 1830s, Hamilton's Black population was large enough to support the establishment of both a Baptist and a Methodist church (the only denominations to establish churches specifically for Blacks). The earliest is believed to be *St. Paul's African Methodist Episcopal (AME) Church*, founded in 1835 under the authority of the (American) African Methodist Episcopal Body and located in the north-east section of town, where the highest concentration of Blacks lived. Initially housed in a log structure on Cathcart Street, the congregation moved in 1856 to a frame building nearby on Rebecca Street. This location was, however, abandoned in 1878 when the structure was badly damaged by fire; and the present church building, formerly occupied by the Methodist Episcopal congregation, was acquired the following year.

Faced with financial difficulties during the Depression years, St. Paul's AME Church was saved from closure through the efforts of its congregation and Reverend J.C. Holland. The decision made in 1937 to sever ties with the Mother Body resulted in the formation of a non-denominational Black church named *Stewart Memorial Church* in honour of Reverend C.A. Stewart, whose death in 1936 ended many years of dedicated service to the congregation of St. Paul's. His successor Reverend Holland was voted Hamilton's "Citizen of the Year" in 1953, in recognition of his instrumental role in keeping the church open and long service to the church and community (1936-54).

Architectural Significance

The building now occupied by Stewart Memorial was erected in 1848 to serve as the Methodist Episcopal Church. Originally a simple frame structure with clapboard siding and a front-gabled roof, the building was substantially altered in the first decade of this century. According to available documentation, the original structure was reclad with brick masonry and the facade remodelled in the Gothic Revival style (circa 1905). Characteristic features include the pointed-arched window and door openings, the blind oculus in the gable front, and the flanking buttresses with tall pinnacles. Extensive interior renovations completed in 1908 included the installation of semi-circular pews, chandeliers (since removed) and an attractive, pressed-metal ceiling with Gothic-inspired, patterned tiles. Further renovations in the 1950s resulted in the removal of the original altar, certain elements of which have been preserved by the congregation.

Context

Situated on the east side of John Street North in the centre of the block between Wilson and Cannon, Stewart Memorial Church is located within a mixed commercial/ residential area, where buildings are now interspersed with expanses of vacant land. Standing opposite a large parking lot, the church today has a highly visible presence on the street.

In the early twentieth century, St. Paul's AME Church formed part of a continuous streetscape comprising a mix of houses, industrial buildings and churches (including the Methodist Episcopal Church built in 1878 at the south-west corner of John and Wilson).

Designated Features

Important to the preservation of Stewart Memorial Church are the original features of:

- the west (front), north and south facades, including the brick masonry with its decorative arches and detailing, the buttresses and pinnacles, and the door and window openings (excluding the modern doorway and windows).
- the sanctuary space, including the decorative pressed-metal ceiling and curved wood pews.

C.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Main West Esplanade Business Improvement Area
(B.I.A.) Proposed Budget and Schedule of Payments for
1993.

RECEIVED

FEB - 9 1993

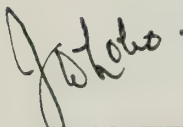
CITY CLERKS

RECOMMENDATION:

- a) That the 1993 operating budget of the Main West Esplanade B.I.A. be approved in the amount of four thousand dollars (\$4,000.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1993 be approved:

March	01	\$2,000.
August	01	\$2,000.

NOTE: 1992 Levy Arrears will be deducted from the two payments for 1993.



Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of four thousand dollars (\$4,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this four thousand dollar (\$4,000.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1993 January 27, the Main West Esplanade B.I.A. adopted a budget of four thousand dollars (\$4,000.).

HM HM:hm

c.c. Ms. P. Noé Johnson, City Solicitor
Law Department

Mr. A. Ross, City Treasurer
Treasury Department

Att: Mr. T. Bradbury, Asst. Supervisory Business Tax

D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 11
(PLC-H-93-2)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

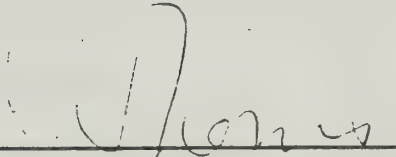
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Application to remove part-lot control from Part of Plan 62M-657 & Part of Lot 3, Plan 1059 within the "Randall Estates - Phase 6 and Stone Church Survey" subdivisions.

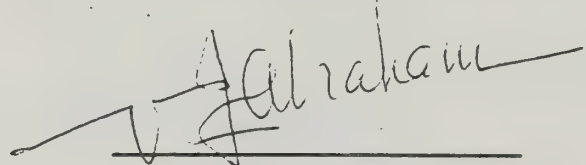
RECOMMENDATION:

- a) That the request of Robert Shelly Construction Limited, to remove part-lot control from Part of Plan 62M-657 & Part of Lot 3, Plan 1059 within the "Randall Estates - Phase 6 and Stone Church Survey" subdivisions, be approved;
- b) That the attached by-law to remove part-lot control from Part of Plan 62M-657 & Part of Lot 3, Plan 1059, be enacted by Council;
- c) That the by-law not be submitted to The Regional Municipality of Hamilton-Wentworth for approval until the developer has entered into and registered on title to Blocks 15 and 16 on Plan 62M-657 an Amendment Agreement satisfactory to the Senior Director, Roads Department and to the City Solicitor to amend the Subdivision Agreement registered as 280470 to provide for and require maintenance easements for each portion of the two blocks to be developed as zero lot-line houses.
- d) Subsequently, that the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and

- e) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, Robert Shelly Construction Limited, is proposing to create lots for single family detached dwellings and to establish maintenance easements by temporarily removing part-lot control. The easements will allow the future property owners to access and maintain the side of their dwelling set on, or adjacent to, the lot-line.

History

In 1990, City Council passed By-laws 90-233 and 90-277 to remove part-lot control from the subject lands. At that time, Council had provided the applicant with a six-month time period to register the necessary conveyances. However, given the downturn in the economy, the applicant was unable to complete the conveyances within the time allocated by Council and is now seeking a new by-law which will permit the conveyances that were previously approved by Council.

The original Subdivision Agreement for Randall Estates - Phase 6, which established Blocks 15 and 16 on Plan 62M-657, contemplated that these blocks may be developed into separate housing units by means of a by-law to lift part-lot control from each block. An amendment to this

subdivision is required as it is Council policy that zero lot-line zoning may be utilized for housing where there are provisions in the registered Subdivision Agreement to require the owner to convey maintenance easements for the proposed housing units. As the original Subdivision Agreement did not include such provisions, the above recommendation authorizes the necessary amendment to the registered Subdivision Agreement to accommodate the Subdivider's present housing plans.

Location

The lands are located within the "Randall Estates - Phase 6 and Stone Church Survey" subdivisions in the Randall Neighbourhood.

Comments

Removal of "part-lot control" is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision.

Part-lot control will be re-established, by by-law, once the conveyances have taken place.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered in the Land Titles office.

The attached by-law to remove "part-lot control" has been prepared in a form satisfactory to the City Solicitor.

RL/ll
Attach.
PartLot\Dir
PLCH93-2

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Remove

LAND WITHIN THE "RANDALL ESTATES - PHASE 6
AND STONE CHURCH SURVEY" SUBDIVISIONS,
PART OF PLAN 62M-657 AND PART OF LOT 3, PLAN 1059
FROM PART LOT CONTROL

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land,...;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Those portions of Lot 3 on Registered Plan 1059, designated as Parts 24 to 30, inclusive on Reference Plan 62R-11255; and

those portions of the lots and blocks within Registered Plan 62M-657, described in Schedule "A" attached hereto,

in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this

day of

A.D. 1993.

City Clerk

Mayor

This By-law is approved pursuant to Section 50(7), the Planning Act and Section 4, By-law No. R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1993.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

Schedule "A"

To By-law No. 93-

<u>Land</u>	<u>Reference Plan</u>	<u>Lot/Block</u>	<u>Plan</u>	<u>Parcel</u>	<u>Section</u>
Part 1	62R-11204	Part of Lot 2	62M-657	Part of Plan -2	62M-657
Part 2	62R-11204	Part of Lot 3	62M-657	Part of 3-1	62M-657
Part 5	62R-11204	Part of Lot 5	62M-657	Part of 5-1	62M-657
Part 10	62R-11204	Part of Block 11	62M-657	Part of Block 11-1	62M-657
Part 13	62R-11204	Part of Block 14	62M-657	Part of Plan -1	62M-657
Parts 2 to 9	62R-11255	Block 15 (Rem.)	62M-657	Part of Plan -1	62M-657
Parts 10 to 12	62R-11255	Part of Block 16	62M-657	Part of Block 16-3	62M-657
Part 22	62R-11255	Part of Block 16	62M-657	Part of Block 16-2	62M-657
Part 18	62R-11255	Part of Block 16	62M-657	Part of Block 16-4	62M-657
Pts 16,17,20,21	62R-11255	Part of Block 16	62M-657	All of Block 16-1	62M-657

E i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 9, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
450 BURLINGTON STREET EAST
(93.1.1.A)

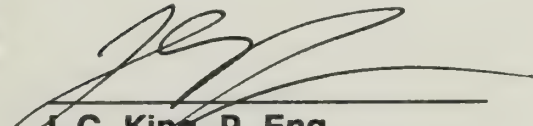
RECEIVED

FEB - 9 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 450
BURLINGTON STREET EAST.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K "Heavy Industry"

PRESENT USE: Store and Single Family Dwelling

PROPOSED USE: Perimeter Road

BRIEF DESCRIPTION: Demolish 2½ storey masonry building for the proposed
perimeter road. No LACAC interest. Lot size 25' x 88'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

E iii>

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 9, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
538 WENTWORTH STREET NORTH
(93.1.1.A)

RECEIVED

FEB - 9 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 538 WENTWORTH STREET NORTH.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K "Heavy Industrial"

PRESENT USE: Single Family Dwelling

PROPOSED USE: Perimeter Road

BRIEF DESCRIPTION: Demolish 2 storey wood frame house to provide area for the perimeter road. No LACAC interest. Lot size 20' x 80'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

E iii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 9, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

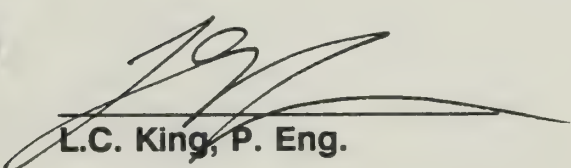
SUBJECT: Demolition of:
1118 UPPER JAMES STREET
(93.1.1.A)

RECEIVED
FEB - 9 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1118 UPPER JAMES STREET.


L.C. King, P. Eng.

LCK/EB/zr
eb

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C & AA "Residential and Agricultural"

PRESENT USE: Single Family Dwelling

PROPOSED USE: Red Hill Creek Expressway

BRIEF DESCRIPTION: Demolish 1½ storey wood frame and brick veneer dwelling to provide area for the Red Hill Creek Expressway. No LACAC interest. Lot size 52' x 600'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

CITY OF HAMILTON

- RECOMMENDATION -

E iv)

DATE: February 9, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
643 RYMAL ROAD WEST
(93.1.1.A)

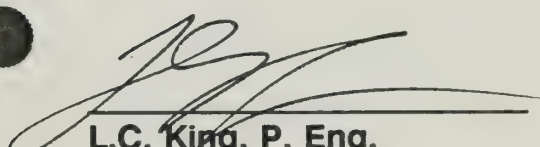
RECEIVED

FEB - 9 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **643 RYMAL ROAD WEST**.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: B "Residential"

PRESENT USE: Single Family Dwelling

PROPOSED USE: Roadway Purposes

BRIEF DESCRIPTION: Demolish existing residence to provide area for new roadway purposes. No LACAC interest. Lot size 100' x 280'.

The owner of the property as per the demolition permit is:

City of Hamilton

1. The first part of the paper discusses the importance of the study.

2. The second part of the paper discusses the methodology used in the study.

3. The third part of the paper discusses the results of the study.

4. The fourth part of the paper discusses the conclusions of the study.

5. The fifth part of the paper discusses the implications of the study.

6. The sixth part of the paper discusses the limitations of the study.

7. The seventh part of the paper discusses the future research.

8. The eighth part of the paper discusses the acknowledgments.

9. The ninth part of the paper discusses the references.

E v)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: February 9, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
246 MACNAB STREET NORTH - Tag Number 88530
(93.1.1.A)

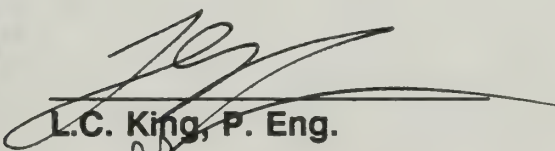
RECEIVED

FEB - 9 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 246 **MACNAB STREET NORTH.**



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D "Residential"

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: Demolish existing 2 storey brick house and erect a new single family dwelling. No LACAC interest. Lot size 34.4' x 121.6'.

The owner of the property as per the demolition permit is:

Ms. Maria Coutinho
184 Wellington Street North
Hamilton, Ontario L8L 5A5

F.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 February 11

REPORT TO: Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Secretary LACAC - LACAC Minutes 1992 December 16
- (b) Commissioner of Planning and Development - Approved Site Plan Control Applications
- (c) Director of Local Planning - ZA-91-43, 145 MacNab Street North Re: File Closure

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

2 (a)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

FEB - 9 1993

CITY CLERKS

DATE: 1993 February 8
DA-92-43 (ZA-90-40)
Ainsle Wood Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Site Plan Control Application DA-92-43 for development of
a secondary school at 45 Rifle Range Road.

RECOMMENDATION:

That approval be given to Site Plan Control Application by Hamilton-Wentworth Roman Catholic Separate School Board, owner of the lands at 45 Rifle Range Road, for development of a secondary school subject to the following:

- a) modification to the plans related to dimensions, notes fencing and landscaping as marked in red on the plans;
- b) submission of a revised grading plan to the satisfaction of the Commissioner of Transportation and Environmental Services; and,
- c) provision of a note on the plan indicating that:

"the development of the property will proceed in two phases which will include the following:

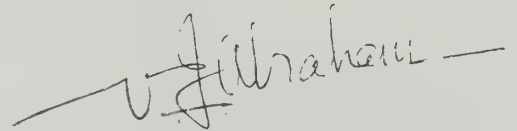
- a) Phase 1 - Construction of the school building and development of the lands designated as phase 1.

Occupancy of the school building will not occur until final release from the Ministry of the Environment.

- b) Phase 2 - Decommissioning and development of the lands designated as Phase 2."



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted to develop the lands at 45 Rifle Range Road for a secondary school. The proposed two storey structure will be primarily brick faced with accent materials of metal siding.

The building faces Whitney Avenue with 18 designated visitor parking spaces located in front of the main doors of the school. A large area for 236 parking spaces including 11 bus spaces are located at the rear of the building with two driveways to Rifle Range Road.

A large sports field and open area are located east of the parking area.

Many of the existing trees bordering the site adjacent to both streets are proposed to be retained with additional trees added to infill certain areas. The landscape plan includes plantings throughout the site to enhance the site and provide buffer areas around the entire area.

COMMENTS RECEIVED:

The Building Department has advised that the most northerly portable will be within the 20 m setback as required under By-law No. 92-193.

The Traffic Department has indicated that the location of the access is approved in principle, but the applicant must make an application for a Driveway Approach Approval through the Traffic Department.

The Hamilton Street Railway has advised that they are not opposed to the proposed development and are considering a possible new bus stop to serve the new school.

The Roads Department in the attached letters have indicated that a revised grading plan is required to clarify certain grading information and daylight visibility triangles at the access driveways.

The Ministry of Environment has advised that work on Part 3 (school structure) may commence on the basis that further information is required prior to implementation of the remedial work for Part 2. The Ministry sign-off on the property will not be given until the remedial work plan for Part 2 is complete. It is understood that the school will not be occupied until this sign-off is obtained.

The CP Rail System has indicated that any proposed alteration to the existing drainage patterns affecting the Railway property must receive prior concurrence from the Railway, and be substantiated by a drainage report to be reviewed by the Railway.

COMMENTS:

Under Zoning Application ZA-90-40, City Council at its meeting of July 22, 1992 included the following condition of approval:

"That final Site Plan Approvals for Blocks "1" and "2" be withheld until notification is received from the Ministry of Environment that the decommissioning process has been satisfactorily completed."

As previously indicated, the Ministry has advised that construction of the school may proceed and that the property will not be signed-off until the remedial work plan for Part 2 is complete. In addition, the school will not be occupied until this sign-off is obtained. A note on the final Site Plan Control plans should be included as part of the approved plans.

Modification to the plans are required, related to dimensions, notes fencing and landscaping as marked in red on the plans.

The plans are satisfactory subject to the above comments.

AINSLIE WOOD No. 1

AINSLIE WOOD EAST No. 2



City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-92-43

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale
1:5000

Date
SEPTEMBER 1992

Reference File No.
DA-92-43

Drawn By
Z.K.



Ontario

Ministry
of the
Environment

Ministère
de
l'Environnement

West
Central
Region

Région
du
Centre-Ouest

119 King St W
12th Floor - Box 2112
Hamilton Ontario
L8N 3Z9
416 521-7640

119, rue King ouest
12^e étage - Casier 2112
Hamilton (Ontario)
L8N 3Z9
416 521-7640

January 27, 1993

Mr. V. J. Abraham, M.C.I.P
Director of Local Planning
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Abraham:

RE: St. Mary's Secondary School - Decommissioning, Rifle Range Rd.
Site Plan Control Application DA-92-43

Further to your letter of January 14, 1993, this letter is to confirm that the Ministry's requirements for the decommissioning of Part 3 of the above captioned site have been completed. In addition, although desired as indicated in the condition of approval included in your letter, the decommissioning of the school site may proceed in advance of the townhouse development.

Golder Associates have, on behalf of the Roman Catholic Separate School Board (RCSSB), submitted reports indicating that the front portion of the school site, Part 3, is not contaminated and requires no remediation. The Ministry, therefore, has no concerns with the RCSSB commencing construction of the school building on this part of the site only. This was indicated in my letter dated January 4, 1993 to Golder Associates. Ministry concurrence was given on the condition that this work will be done in accordance with the remedial work program that they have submitted to the Ministry. The submitted plan indicates that the school will not be occupied until the remedial work required for the rear portion of the school property, Part 2, is completed.

If you have any further questions, please contact me at 521-7707.

Yours truly,

Sean Capstick, P. Eng.
Senior Environmental Engineer
Hamilton District Office
West Central Region

SC/sb

FEB 01 1993

JPS

ROADS DEPARTMENT

- MEMORANDUM -

DEC 16 1992

TO: J. Sakala
Planning and Development

YOUR FILE: DA-9243 *JPS*

FROM: Eugene P. Chajka
Manager of Development
Roads Department

OUR FILE: E220-0100
PHONE: 546-2809
DATE: 1992 December 16

SUBJECT: Site Plan Control Application for a Secondary School
at 45 Rifle Range Road, Hamilton

GRADING AND SERVICING

After discussions with our environmental group it has been decided that the portion of land owned by Patran Holdings Inc. will be allowed to connect their storm and sanitary sewers into the combined sewer fronting the property on Rifle Range Road, therefore the requirement for a sewer easement over the lands of the proposed school, asked for in our letter of November 16, 1992 is no longer necessary.

EH/md
EH/md

cc: Tony Cupido, The Hamilton Roman Catholic Separate School Board
cc: Frank Doracin, Patran Holdings Inc., 21 Brockley Drive, Stoney Creek L8E 3C3

NOV 18 1992

ROADS DEPARTMENT

- MEMORANDUM -

TO: J. Sakala
Planning and Development Department

FROM: E.P. Chajka, Manager of Development
Roads Department

YOUR FILE: DA-92-43

OUR FILE: E220-0100
PHONE: 526-2809
DATE: 1992 November 16

SUBJECT: Site Plan Control Application DA-92-43 for a
Secondary School at 45 Rifle Range Road, Hamilton

GRADING AND SERVICING

The grading plan submitted dated September 14, 1992 will be approved when the following recommendations have been dealt with.

- 1) Proposed elevations must be shown at all lot/corners and at 15 metre intervals along the property lines.
- 2) Please show the geodetic bench mark used to establish elevations on site.
- 3) Along the east property line please show swale elevations and property line elevations. It is important that no run-off water be diverted towards the private properties to the east.
- 4) Along the north property line run-off from the berm is directed onto railway property and since there does not appear to be anywhere for it to be picked up this is not acceptable, please clarify.

In our letter on Zoning Application ZA-90-40 dated July 3, 1992 the applicant was informed that Patran Holdings Inc., the owner of the remaining portion of the original parcel of land not expropriated by the school board, would require a storm sewer easement over the school board's land in order to drain the storm water into the 750mm storm sewer at Rifle Range and Whitney Avenue, as per the Region's recommendations.

The submitted plans do not show any easements, therefore as a condition of Site Plan Approval we require the applicant submit a letter of intent and show a storm sewer easement on the grading plan. It would be possible to reconnect to the street storm sewer if a storm sewer is installed along Rifle Range road at some future date and this could be written into the sewer easement documents.

Cont'd...

-page 2-
1992 November 16

**Site Plan Control Application DA-92-43 for a
Secondary School at 45 Rifle Range Road, Hamilton**

Cont'd...

TRANSPORTATION COMMENTS

- 1) The existing and designated road allowance widths of Whitney Avenue and Rifle Range roads is 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.
- 2) Any works which may occur within the Whitney Avenue and Rifle Range Road road allowances must conform to the City of Hamilton Streets By-Law.
- 3) We require 5m by 5m daylight triangles between the property lines and the accesses in which the maximum height of mature vegetation or objects is not to exceed 0.60m above the corresponding perpendicular centreline elevation of the respective adjacent roadways.
- 4) Comments from the TH&B Railway should be considered with respect to setbacks, access, noise attenuation, berms, required sight lines at the roadways, etc.
- 5) The applicant must contact all the respective utilities prior to doing any works within the road allowances.
- 6) The Traffic Department is to comment on access location and design. Approach approvals are required from their Office.
- 7) We have attached a copy of our previous comments on ZA-90-40 and preliminary comments on the site plans submitted on October/1991.

EH/md
Attach.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

FEB - 9 1993

CITY CLERKS

DATE: 1993 February 8
DA-92-35 (ZA-90-46)
Jerome Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

SUBJECT: Site Plan Control Application DA-92-35 for an 83 unit townhouse project on lands located at No. 55 Towercrest Drive (Proposed), west of Upper Wellington Street

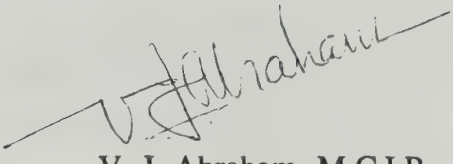
RECOMMENDATION:

That approval be given to Site Plan Control Application DA-92-35 by Sons of Italy, prospective owner of lands at 55 Towercrest Drive for development of an 83 unit townhouse development, subject to the following:

- a) modification to the plan related to details of development, dimensions, notes, fencing, and landscaping as marked in red on the plans;
- b) submission of a revised grading plan satisfactory to the Director of Programming & Development, Roads Department, and the Special Projects Office;
- c) provision of a note on the plan indicating the requirement of approval by the Committee of Adjustment for the variance to delete the designated loading spaces;
- d) registration of the Plan of Subdivision;
- e) establishment and construction of Towercrest Drive on Primecan Estates to the satisfaction of the Roads Department;
- f) entering into the appropriate subdivision agreements with the Region/City for the proposed development;

- g) submission of a Noise Attenuation Study; and,
- h) removal of the holding symbol "H" as a suffix to the Zoning District for the subject lands.


 J.D. Thoms, M.C.I.P.
 Commissioner
 Planning and Development Department


 V. J. Abraham, M.C.I.P.
 Director of Local Planning

BACKGROUND:

Plans have been submitted for an 83 unit townhouse project to be developed at 55 Towercrest Drive, west of Upper Wellington Street. The details of development are as follows:

Net Lot Area	-	19,309 sq.m.
No. of Units	-	83
Building Height	-	1, 2 and 3 storeys
No. of Parking Spaces Provided	-	111
Landscape Area	-	9,716 sq. metres (50.3%)
Exterior Building Material	-	Brick Veneer and Siding

Plantings throughout the site compliment the streets and adjacent lands. At the end of Building No. 3 part of the structure has been designated for a laundry, and equipment storage rooms and mail distribution point for the development.

COMMENTS RECEIVED

The Building Department in their attached comments have noted a number of issues related to dimensions, overhangs, privacy areas, etc. It has also been noted that the "H" holding provision of the by-law must be removed and the plan of subdivision must be registered prior to the permits being issued.

The Roads Department in the attached comments have indicated requirements dealing with grading, plan of subdivision agreements, road construction and sight-lines.

The Traffic Department in the attached comments have indicated changes required to dimensions, access and emergency driveway widths. It has also been noted that the mid-block collector road must be constructed prior to approving the site plan. The applicant must make an application for a Driveway Approach Approval through the Traffic Department.

The Special Projects Office has in their attached comments noted requirements of grading and noise attenuation which must be finalized.

COMMENTS:

Modifications are required to the plan related to details of development, dimensions, notes, fencing and landscaping to respond to concerns from the various departments.

A revised grading plan should be submitted to resolve details raised by the Roads Department and Special Project Office.

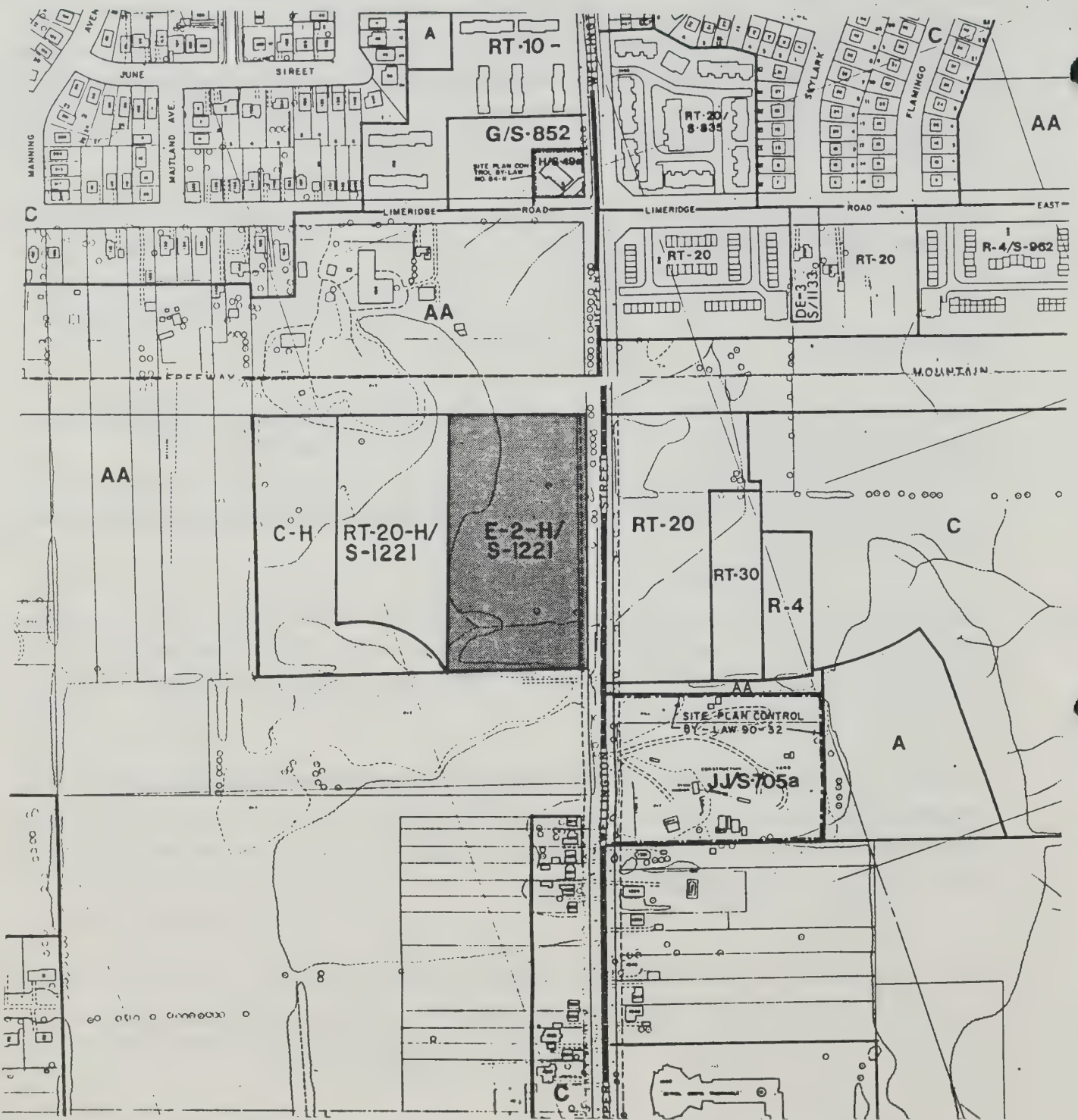
The proposed development provides four (4) units for the physically disabled with a two bedroom unit above it. A note on the plan should be provided to indicate that the stacked unit requires the approval of the Committee of Adjustment to delete the designated loading spaces which are required for the development.

The applicant is also proceeding to finalize certain details related to requirements by the Roads Department pertaining to plan of subdivision, neighbourhood road construction, subdivision agreements and noise attenuation reports. Also required is the removal of the "H" holding provision of By-law No. 91-72 to be finalized.

JPS/dkp

GREENINGDON No. 56

BRULEVILLE No. 16



JEROME No. 82

CRERAR No. 33

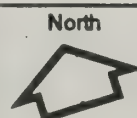
City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-92-35

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application



North

Scale
1:5000

Date
JULY, 1992

Reference File No.
DA-92-35

Drawn By
L.B.



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

BUILDING DEPARTMENT

FAX - (416) 546-2764
GENERAL INQUIRIES - (416) 546-2720

Refer to File DA-92-35

Attention of E. Begg

Telephone 546-2781

PRESENT ZONING: E-2/S-1221

1992 September 18

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Dear Sir:

RE: DA-92-35

West side of Upper Wellington Street and south side of E/W Freeway

PLANNING & DEVELOPMENT LOCAL PLANNING & DESIGN				
File No.	RECEIVED SEP 22 1992			
TO	STAFF	INIT.	INFO	ACT
D.D.				
P.B. & A.				
NEIGH.				
DEV.				
ESUD				
TO AGG PLEASE				
CART.				

The above, under cover of your letter dated July 21, 1992, has been examined.


COMMENTS:

1. A 15m separation must be maintained between buildings Block 8 and 9, shown is 8.0m.
2. All parking spaces must be a flat surface for a distance of 6.0m, shown is flat surface of 5.5m. Committee of Adjustment approval will be required.
3. A 9.0m separation is required between Block 12 and 13, shown is 8.6m.
4. Blocks 10, 11, 12 and 13 are all multiple dwellings. Please review your policy on allowing this type of unit. It was my understanding with Paul Mallard that this type of stacking unit would not be allowed. If they remain as multiple dwellings there could be a number of added variances.
5. The plan of subdivision has not been registered.
6. There is no street access because Tower Crest Drive does not exist.

Continued on Page Two

7. The required easement off the freeway is 15.24m, shown is 15m.
8. The rear porches and steps on Block 4 and 5 encroach into the required 75' freeway setback. The townhouses will have to be moved forward or the structures removed.
9. The required parking is 103 cars. Shown are 65 units with parking and 30 additional parking spaces making a total of 95 cars.
10. The inside minimum length of the garages must be 6.0m, shown is 5.335m.

Yours truly,


for the Building Commissioner

EB/zr

FROM

Learn Begg

DEPARTMENT

Building

DATE

Oct 28, 1992

SUBJECT

DA 92-31 and
DA 92-35John Sakala
Planning Dept.

MESSAGE

The following are additional comments to both of my letters dated Sept 18, 1992 concerning the above two (2) projects: (a) By-law 91-72 which changed the zoning on both of the projects has a "H" holding condition. This condition states that all sewers serving the subject land must be installed before the development of the land may proceed. This would mean that no building permit could be issued before the "H" symbol is removed from the by-law.

(b) The rear porch and steps on the buildings abutting the freeway may project into the 25' rear yard. However, the main building cannot project into this same area.



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1992 September 08

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA-92-35
83 townhouse unit project on the west side of
Upper Wellington Street south of the Freeway

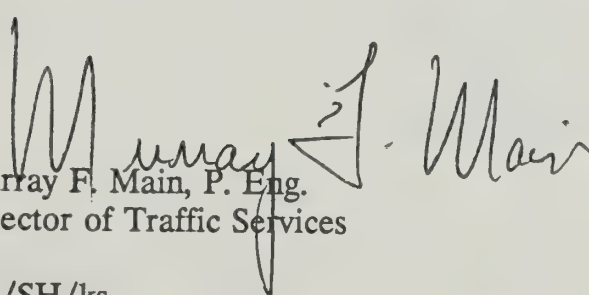
PLANNING & DEVELOPMENT LOCAL PLANNING SECTION				
File No.		SEP 15 1992		
TO	STAFF	INIT.	INFO	ACT
DIR.				
PRG.A.				
DEVELOP.				
CEA				
LAUD				
KS.				
DATE				
TIME				

In response to your letter of 1992 July 21, please be advised that we have reviewed this application and have the following comments.

1. We recommend that the interior of the garages be a minimum 6.0m in length as opposed to the 5.335m and 5.4m indicated on the site plan.
2. We recommend that the driveway for the two bedroom unit at the west end of Block 9 be deleted from the site plan. This driveway conflicts with the main driveway of the townhouse site. An approach in this location will not be permitted.
3. We suggest that the main driveway be widened to 7.5m at the property line.
4. We require more detail in regard to the proposed emergency access. We suggest that "knock down bollards" be included on the landscape plan at the property line and where the emergency access meets the 6.0m wide asphalt roadway.
5. We concur with the Roads Department's request to have the mid-block collector constructed to full required width prior to approving the site plan for this application.

We approve of the location of the access in principle, but the applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

Yours truly,



Murray F. Main, P. Eng.
Director of Traffic Services

RK/SH/ks

Sept 14/92
J.S.
KH

ROADS DEPARTMENT

MEMORANDUM

TO: J. Sakala
Department of Planning & Development

YOUR FILE: DA-92-35

FROM: G. S. Aston, P. Eng. *G.S. Aston*
Director of Programming and Development
Roads Department

OUR FILE: E220-1000
PHONE: (416) 546-4294

SUBJECT: Site Plan Control Application DA-92-35 for
an 83 Townhouse Unit Project on the West
Side of Upper Wellington Street and the
South Side of the E/W Freeway, Hamilton

DATE: 1992 September 8

Grading and Servicing

The site grading plan submitted, dated July 1992 will be approved when the following items have been addressed.

1. The north arrow on the grading plan is pointing almost directly west, our comments are based on north being parallel to Upper Wellington.
2. Along the west side of the property too much surface water is directed towards Towercrest Drive along the rear of the houses. We recommend another catchbasin at the southwest corner of the property.

Apparently the Region intends to construct the overpass on Upper Wellington Street at the Freeway in 1993, at which time Upper Wellington Street will be raised by approximately 1.5m and in the interim, Towercrest Drive will be constructed to match existing road grade. There will be significant grade changes between the site plan grades and interim road grades which must be addressed.

The emergency access cannot be built at this time without arrangements to regrade private property at some future date. We also advise that the temporary grading within the Upper Wellington Street road allowance, as widened, must be to the satisfaction of the Commissioner of Transportation and Environmental Services. Motorist visibility for vehicles entering Upper Wellington Street must be maintained and surface drainage unobstructed.

Transportation Comments

The subject lands are shown as Blocks 13 and 14 on Primecan Estates plan of subdivision which has not been registered to date. As a condition of site plan approval, we recommend that:

Cont'd

**Site Plan Control Application DA-92-35 for
an 83 Townhouse Unit Project on the West
Side of Upper Wellington Street and the
South Side of the E/W Freeway, Hamilton**

Cont'd

1. Primecan Estates plan of subdivision be approved and registered.
2. Towercrest Drive on Primecan Estates plan of subdivision be established and constructed to its full width and that this street align centreline to centreline with Sirente Drive on the east side of Upper Wellington Street and that a 12.0m x 12.0m daylight triangle be dedicated to the City/Region at the north west corner of Towercrest Drive and Upper Wellington Street.
3. The applicant/owner enter into appropriate subdivision agreements with the Region/City. According to our records, the Region previously acquired Parts 8 and 9 shown on Reference Plan 62R-11737 by Instrument No.108416.

In the absence of any details shown, we advise that any works which may occur within the Towercrest Drive road allowance or the Upper Wellington Street road allowance, as widened, must conform to the respective Street By-Laws.

We require 5m x 5m daylight triangles between the access and the Towercrest Drive road allowance limits in which the maximum height of objects, mature vegetation etc., is not to exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Towercrest Drive.

The subject lands are also located on a reverse horizontal curve. In order to maintain adequate sight lines for motorist entering the roadway we require that an area approximately 6m x 25m, as shown on the attached plan, be established on private property in which this area can only be graded and sodded to the same elevation as the adjacent municipal sidewalk. Fences etc., are not permitted in this area and should be recessed approximately 6 to 10 metres from the property line at the west side and the privacy fence should be modified slightly so as not to disrupt the required sight lines through this area. Therefore, the site plan, landscape plans etc., must be revised accordingly to reflect the above requirements (see landscape plan).

Also shown on the site plan is an emergency access close to the intersection of Towercrest Drive and Upper Wellington Street. Landscaping, objects etc., within 5m vision triangles in this area should not exceed a height of 0.60m above the centreline elevation of Towercrest Drive. Comments from the City of Hamilton Traffic Department on the construction details of this emergency access should be considered.

 EH:ja
Attach.

cc: Bob Douglas, Regional Surveys



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Transportation / Environmental Services Group

Roads Department
Predesign and Special Projects Division
25 Main Street West, Suite 1010
Hamilton, Ontario L8P 1H1

Tel. (416) 546-4277
Tel. (416) 546-2380
Fax (416) 546-2385

MEMORANDUM

TO: V.J. Abraham, Director
Local Planning

YOUR FILE:

FROM: Gary Moore, Manager of Engineering
Special Projects Office
Roads Department

OUR FILE: 80.15.16
PHONE: 2382

SUBJECT: DA-92-35 - Upper Wellington Street
Townhouse - Sons of Italy

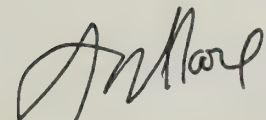
DATE: August 13, 1992

The proposed backyard grading for those units along the Expressway corridor is not acceptable. All grading must drain away from the Expressway boundary and be contained within the abutting lands.

Noise attenuation along the Expressway adjacent to residentially developed land will be undertaken by the Region for the outdoor living areas where it is technically, economically and administratively feasible. The currently proposed backyard grading prohibits the construction of a feasible noise attenuation feature along the currently proposed property boundary.

Should the applicant wish to retain the currently proposed grading, the Region would require that the land north of the breakpoint (i.e. all land between the drainage breakpoint within the easement and the current property boundary) be conveyed to the Region. A feasible noise barrier could then be constructed by the Region along the new property boundary.

Both of these items must be addressed to the satisfaction of the Special Projects Office prior to the approval of the application. The submitted plans have been marked up accordingly and are returned undercover of this letter.


gm:dt
Att'd.

c.c. A. Irani, A.J. Clarke

LOCAL PLANNING BRANCH	
FILE NO.	AUG 14 1992
TO:	ACT.
DIR.	
PLANNING	
DESIGN	
ENGINEERING	
CONSTRUCTION	
ADMIN.	
CLERK	
RECORDS	
TRAINING	
COMMUNITY	
ENVIRONMENT	
FINANCE	
LEGAL	
SALES	
MARKETING	
RESEARCH	
INFORMATION	
GENERAL	
ADMIN.	

3.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

FEB - 9 1993

CITY CLERKS

DATE: 1993 February 9
ZA-92-45
St. Clair Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

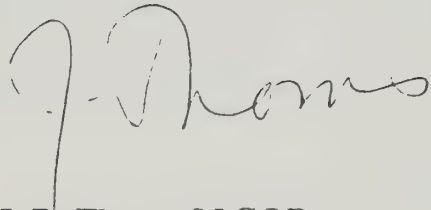
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - No. 185 Delaware Avenue.

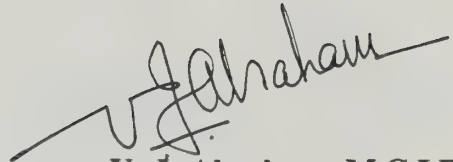
RECOMMENDATION:

That Zoning Application 92-45, Hazell Ross-Iampietro (Clar Del Retirement Home), owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District, to permit an increase in the capacity of an established legal non-conforming Residential Care Facility from nine (9) residents to a maximum of fifteen (15) residents, for property located at No. 185 Delaware Avenue, as shown on the attached map marked as Appendix "A", be **DENIED** for the following reasons:

- i) It conflicts with one of the primary goals of the Residential Care Facilities By-law to provide the residents with an opportunity to live in an environment that closely approximates a family situation. This proposal represents a 66.6% increase in the number of residents currently permitted (9 to 15), and a 150% increase (6 to 15) in the number of residents permitted in a "C" (Urban Protected Residential, etc.) District which, given the number of existing facilities in the area, is considered a significant departure from this goal;
- ii) Approval of this application would encourage other similar applications which, if approved, would further contribute to the existing over-concentration of such facilities in the St. Clair Neighbourhood. In this regard, there are three other Residential Care Facilities within 180 metres; and
- iii) The Department of Social Services cannot support the additional retirement home beds noting that there were approximately 220 vacant beds in the system so no new beds are necessary.



J. D. Thoms, M.C.I.P.
Commissioner



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting a modification to the established "C" zoning to permit the expansion of an existing legal non-conforming residential care facility (retirement home) from nine (9) residents to a maximum of fifteen (15) residents, notwithstanding that the "C" (Urban Protected Residential, etc.) District permits a maximum of six (6) residents. For the information of the members of the Planning and Development Committee the applicant submitted the attached background information (see Appendix "B") for consideration.

- Zoning Verification Certificate

On June 3, 1992, the Building Department issued a Zoning Verification Certificate (see Appendix "D") to the applicant's solicitor advising, among others things, that the use is a legal non-conforming Residential Care Facility for nine (9) residents, and the proposed use is subject to a municipal licence.

- Order to Comply

On August 31, 1992, the Licence Division inspected the subject property and advised that there were eleven elderly residents living on the premises. On September 3, 1992, an "Order to Comply" (see Appendix "E") was issued by the Building Department to the owner to reduce the occupancy to nine (9) lodgers.

APPLICANT:

Hazel Ross-Iampietro (Clar Del Retirement Home), owner.

LOT SIZE AND AREA:

- 29.0 m (95.0 ft.) of lot frontage on Delaware Avenue;
- 36.5 m (120.0 ft.) of lot flankage on St. Clair Avenue; and
- 1,059.0 m² (11,400 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Residential Care Facility (Retirement Home)	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District, modified
to the south	single-family dwellings and a Residential Care Facility for 20 residents	"C" (Urban Protected Residential, etc.) District, modified
to the east and west	single-family and two-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule A - Land Use Concept of the Official Plan. The following policies apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing

where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- iv) Encourage the responsible public agencies to provide low-cost and/or senior citizen housing at appropriate locations throughout the City;
- v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved St. Clair Neighbourhood Plan. The proposal does not conflict with the intent of the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. A residential care facility for the accommodation of fifteen (15) residents is not permitted.
 - 2. A residential care facility for fifteen (15) residents requires five (5) parking spaces.
 - 3. No parking layout provided to determine compliance.
 - 4. The building is designated under the Ontario Heritage Act by By-law 86-125.
 - 5. This Department issued an "Order to Comply" to reduce the occupancy (Copy attached).
- The Heritage Planning Section has advised that:
 - "1. Of primary importance is whether there are any exterior changes proposed. If so, building plans must be circulated to Heritage Planning. These plans may then, in

turn, have to be forwarded to LACAC (Local Architectural Conservation Advisory Committee) and City Council.

2. From a heritage conservation point of view, if there is an extensive loss of the original interior due to the increase of occupancy from 11 to 15, then it could limit the future use of the building, which is not desirable. There is, however, no formal regulation over the building's interior under Part V of the Ontario Heritage Act."

- The Traffic Department has advised that they:

"...find the proposed zoning modification to be satisfactory. However, we do have the following comments with the implementation of this proposal:

We recommend that all of the required parking be provided for this site and that the required parking not occupy any portion of the front yard. Also, we recommend that this proposal be placed under site plan control."

- The Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

The existing road allowance widths of Delaware Avenue is 20.12 m and St. Clair Avenue is 18.20 m. Therefore, we do not anticipate any further road allowance widenings for either street at this time.

In the absence of any details shown, we advise that any works which may occur within the adjacent road allowances must conform to the City of Hamilton Streets By-law.

Comments from the City of Hamilton Traffic Department with respect to access, etc. should be considered."

- The Department of Social Services has advised that:

"The Social Services Department does not currently have a contract with this home, although it is properly licenced for nine residents under the Second Level Lodging House By-law. We do know the new owner, however, Mrs. Ross-Iampietro. She is a former lessee of a home with whom we have recently cancelled a contract.

We cannot support this application because:

- (1) There are approximately 220 empty beds in the subsidized lodging home system so no new beds are necessary.

- (2) The capacity of nine is already a legal non-conforming use; adding six beds in this exceptional situation may not be necessary.

We have been advised that there have been 11 persons in the home since early September - two more than legally allowed."

- The Clerks Department - Licencing Division has no objection.

Based on verbal information received from the Licencing Division, this property has been occupied by a legal non-conforming residential care facility having a licenced capacity of 9 residents (Anna Rest Home). The previous owner sold the property on May 21, 1992, to the applicant. At the time of occupancy (August 25, 1992), only one of the former residents remained in the facility. The applicant moved the other 10 residents into this facility from another residential care facility, resulting in a capacity of 11 residents (2 over the established legal non-conforming capacity of 9 residents). The applicant recently applied to the Licencing Division for a Licence transfer of the 9 residents from the previous owner. On October 27, 1992, the Licencing Committee denied the transfer licence on the grounds that the facility was operating in contravention of the Zoning By-law. In this regard, an Order to Comply had been issued to the owner to reduce the capacity to 9 residents (the legal non-conforming capacity).

At its meeting held on November 10, 1992, City Council referred this matter back to the Licencing Committee for review. Further action is pending a decision on this rezoning application.

- The Hamilton Region Conservation Authority has no comments or objections.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan and the approved St. Clair Neighbourhood Plan.
2. The proposal cannot be supported for the following reasons:
 - By-law 81-27 concerning the regulation of Residential Care Facilities and Short Term Care Facilities was passed by Council on January 13, 1981. The effect of the By-law is to permit such facilities in a broad range of commercial and residential districts with specific resident capacity limits in order to promote a residential, family-like atmosphere within the facility.

The subject lands are zoned "C" (Urban Protected Residential, etc.) District. A residential care facility in this zone with a maximum capacity of six residents is permitted. At the time the property was sold a legal non-conforming residential

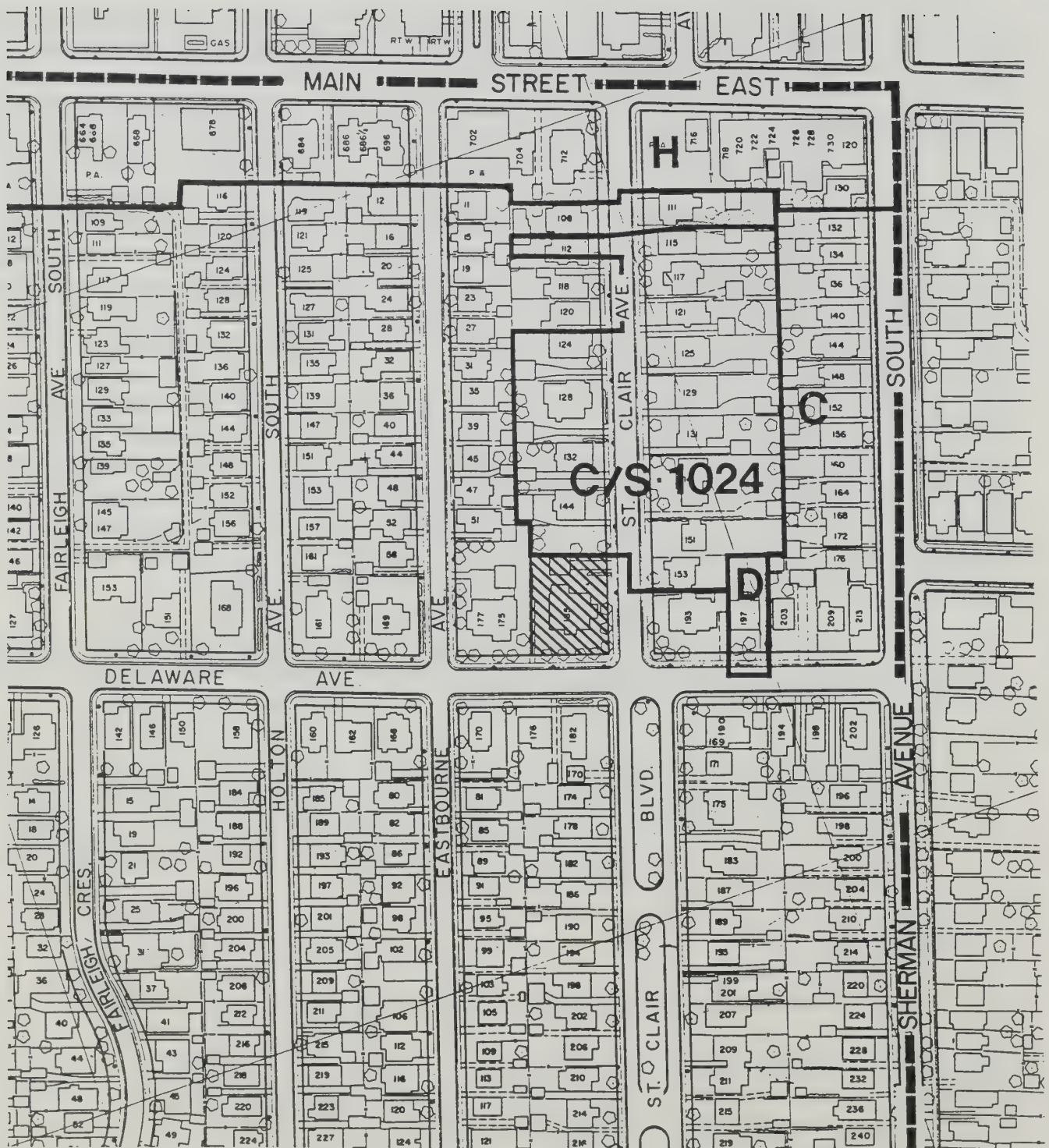
care facility having a licenced capacity for nine (9) residents was established. The applicant recently applied to transfer the licence for the nine (9) residents from the previous owner. In addition, the applicant is requesting an increase in capacity to fifteen (15) residents, six (6) more than that previously permitted, or nine (9) more than that normally permitted in the "C" (Urban Protected Residential, etc.) District. One of the primary goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. This proposal represents a 66.6% increase in the number of residents currently permitted (9 to 15), and a 150% increase (6 to 15) in the number of residents permitted in a "C" (Urban Protected Residential, etc.) District. Given the number of existing facilities in the area, (see Appendix "C") the proposal is considered a significant departure from this goal.

- The Residential Care Facilities By-law requires a minimum radial separation distance of 180 metres between facilities to preserve the residential character of neighbourhoods. It is noted that this legal non-conforming Residential Care Facility facility is within 180 metres of three other Residential Care Facilities (see Appendix "C"). Approval of this application would encourage other similar applications which, if approved, would further contribute to the existing over-concentration of such facilities in the St. Clair Neighbourhood.
 - The Department of Social Services cannot support the additional retirement home beds noting that there were approximately 220 vacant beds in the system so no new beds are necessary.
3. With respect to the applicant's submission (see Appendix "B"), from a planning perspective the floor area of the dwelling (approx. 3,200 sq. ft.), the size of the lot (11,400 sq. ft.), availability of parking, proximity to public transit, etc. do not provide a justifiable basis for supporting an increase in the allowable capacity given the intent of the Residential Care Facilities By-law as noted above.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

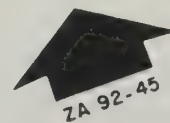
GAW/ma
WP9245



Legend



Site of the Application



APPENDIX 3

PART 8: ADDITIONAL BACKGROUND INFORMATION AND JUSTIFICATION

Property Description

The subject property is known as 185 Delaware Ave. and is located at the N.W. corner of Delaware and St. Clair Avenues in the St. Clair Neighbourhood (no. 124). The lot has a frontage of 29 m (95 ft.), a depth of 36.5 m (120 ft.) and an area of 1059 m² (11,400 sq. ft.). It is occupied by a 2-1/2 storey home having a floor area of approximately 315.9 m² (3400 sq.ft.) not including rooms in the basement, or the third floor which is only used as an attic.

The house accommodates the following:

First floor:

- Kitchen and associated pantry
- 2-piece bathroom
- 3-piece bathroom
- Dining room
- 3 bedrooms
- Sunroom
- Large foyer, used as a sitting, T.V. room
- Verandah

Second floor:

- Two 3-piece bathrooms
- 5 bedrooms
- Large sunroom
- Large hallway, used as a sitting room

Third floor:

- Unfinished

Basement:

- Two recreation rooms, one of which accommodates a wet bar, pool table and T.V.
- Laundry room
- Furnace room, etc.

At the rear of the house is a two-car garage with a double driveway exiting onto St. Clair Ave. The large front and side yards are landscaped.

The house has been used as a retirement home (second level lodging house) for many years and can accommodate a maximum of 9 residents on a legal non-conforming basis.

The property is located in a good quality, generally low-density residential area. Another residential care facility accommodating 20 residents is located at the south-east corner of St. Clair Boulevard and Delaware Ave.

Proposal

I recently acquired the property and request that the permitted capacity of the home be increased to 15 residents. No structural changes or building extensions are necessary, or are being contemplated. However, provision will be made to accommodate an additional 3 off-street parking spaces along the existing driveway to satisfy the ByLaw requirement of one space per 3 beds.

Personal Background

I am a graduate nurse who has successfully operated a retirement home (second level) for 9 years at 120-124 Hunter Street West. I recently sold the property and now own and manage the subject home. I have enjoyed an excellent relationship with regulating agencies.

Home Operation

My home currently accommodates 11 residents ranging in age from 65 to 97. One of the two "extra" residents already lived at the home when I purchased it; the other resident moved from my previous home.

The home provides nutritious and tasty meals, supervision (e.g. dispensing of medicines), help with bathing, a home-like atmosphere, communal indoor and outdoor seating and recreational opportunities. Residents participate in the Y.W.C.A. outreach program and religious services provided by the Salvation Army.

None of the residents own or operate a car and few are able to walk any significant distance. The home is staffed by 3 persons during the day and by one person at night. A physician visits monthly and is on-call.

Reasons and Justifications

The requested ByLaw modification to allow for an increased capacity of retirement home residents to 15 is warranted for these reasons:

- . With a floor area of approximately 3200 sq. ft., the house can easily accommodate 15 residents and is far too large for 9 residents;
- . The lot measuring 29 m (95 sq. ft.) by 36.5 m (120 sq.

ft.) is one of the largest residential lots in the neighbourhood, and accommodates significant landscaped grounds on three sides, making it an ideal setting for a retirement home;

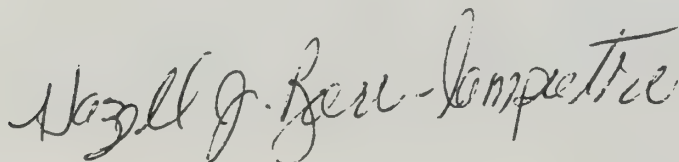
- . Based upon open space and floor area, the proposal would not represent an over-intensification of landuse;
- . Off-street parking can be readily increased from two spaces to five spaces to satisfy ByLaw requirements, without the need for another driveway or significantly changing the existing appearance of the property. (Note: The 3 spaces would be accommodated along the southside of the existing long driveway leading to the 2-car garage.)
- . Although 5 parking spaces are sufficient, there is always additional available on-street parking on Delaware Ave. in front of my home;
- . Considering the size of the house and lot, its corner lot location and the little pedestrian and vehicular activity associated with a second-level retirement home, the proposed increase in capacity of the home would have no effect on neighbouring residents;
- . The proposed increase in capacity would allow for a greater degree of social interaction among residents and would facilitate development of more recreational programs which is important to the mental and physical health of the residents who are mostly homebound due to their limited capabilities;
- . Notwithstanding the current reasonable vacancy rate in second-level lodging home accommodation, there is a definite shortage of quality accommodation in the community such as being provided by me; and in addition it should be noted that 3 retirement homes have closed within the area in recent months;
- . Considering the size of the property, the high cost of maintaining and heating such an older house, and the large amount of space that is currently not being utilized, it only makes economic sense to allow for greater occupancy;
- . The home is located in a pleasant and quiet residential neighbourhood, providing a much preferred setting over a commercial or high density residential area where the Zoning ByLaw forces such larger homes to be located;
- . The home is located on a residential collector road with a bus service, and a convenient bus stop across St. Clair Avenue;
- . The proposed capacity of 15 residents is well below the

- . The proposed capacity of 15 residents is well below the capacity of 24 residents recognized by the Region as the upper limit for such homes for subsidy purposes;
- . The house is clearly too large to be used alternately as a single-family home, and does not lend itself to being converted to a two-family home.

Concluding Comments

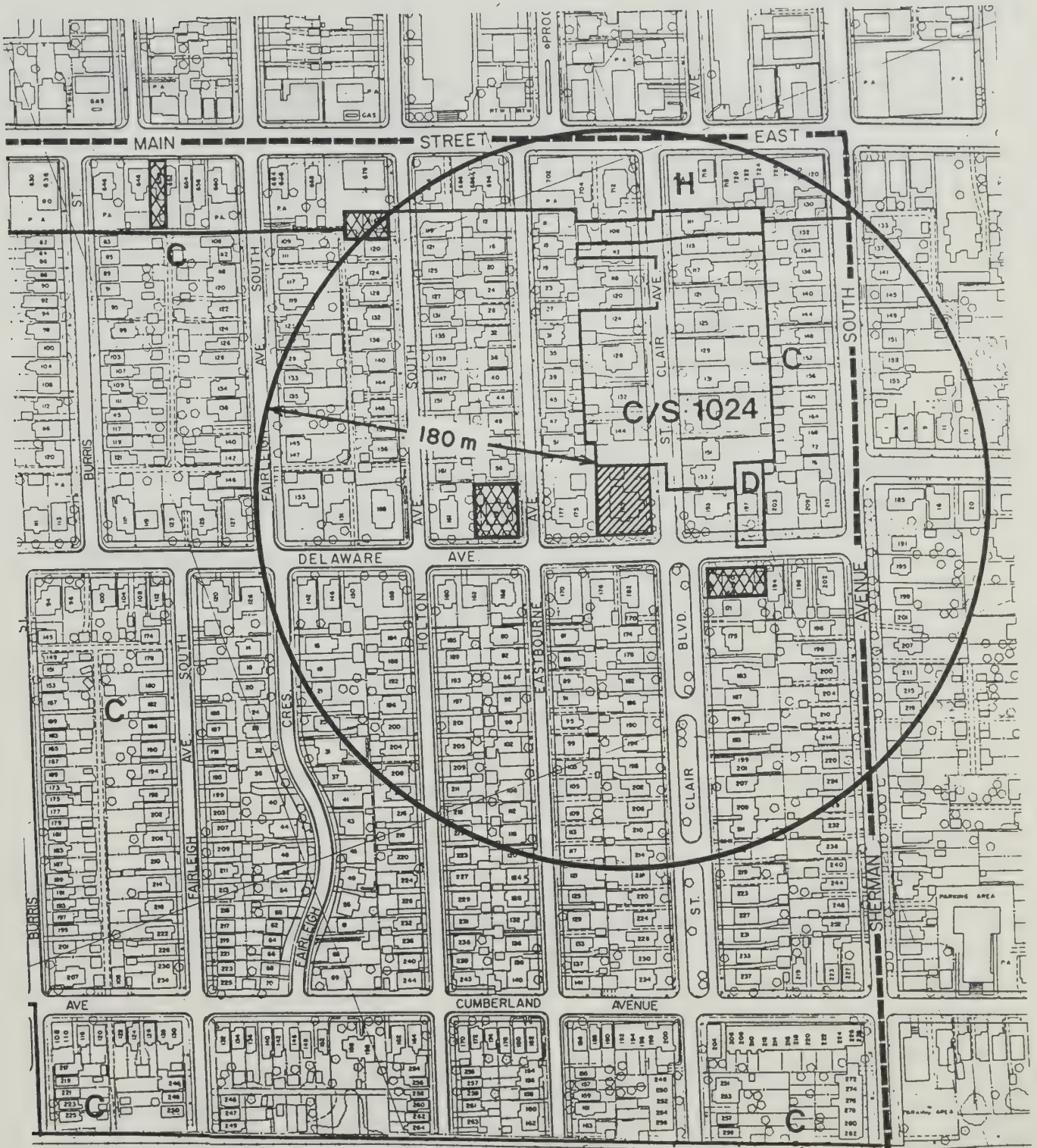
I request that the application be considered on its merits and special circumstances, taking into account that a second-level retirement home is not like other residential care facilities in that it generates little activity of any kind. Accordingly, the application should not be denied on the basis of a standard policy, or an undue concern about setting a precedent, because few properties are this large in terms of lot and floor areas, and the requested change would have no effect on my neighbours, and would have only beneficial effects in terms of providing desirable and needed accommodation, improved living conditions for the residents and a more economic use of an existing facility.

Sincerely submitted,



Hazell J. Ross-Iampietro

(Note: It is requested that this submission be reviewed in the staff report and that it be appended to it, for consideration by the Committee. I also invite anyone interested in this application to visit my home.)



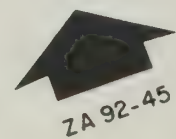
Legend



Site of the Application



Surrounding
Residential Care Facilities



APPENDIX C



THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

CERTIFICATE OF ZONING VERIFICATION AND PROPERTY REPORT

PROPERTY ADDRESS: 185 Delaware Avenue

Refer to File:

PROPOSED USE: Second Level Lodging Home - Nine Patients

Attention Of: S.K. Parker

Telephone: (416) 546-2722

A. ZONING VERIFICATION

AS OF THIS DATE, Building Department records indicate the property is subject to:

ZONING DISTRICT: C
SECTION 9 of ZONING BY-LAW 6593 AS AMENDED
DISTRICT MAP NUMBER: E23

THE PROPOSED USE IS: LEGAL NON-CONFORMING (See Comments)

Comments: The use is a legal non-conforming Residential Care Facility for nine (9) residents. The use is based on a Statutory Declaration dated June 9, 1982. The location of the building is approved as shown on the submitted survey. The location of the garage in the rear yard is legal non-conforming provided that it has existed from prior to July 25, 1950. This property is designated under Ontario Heritage Act by By-law 86-175. A Second Level Lodging House is a licence bylaw term. The proposed use is subject to a municipal licence.

IMPORTANT:
THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS WITH THE REQUIREMENTS OF APPLICABLE BY-LAW, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, NOR THAT THE ZONING WILL BE CHANGED AFTER THE DATE OF ISSUANCE. (COPIES OF THE CITY BY-LAWS MAY BE OBTAINED FROM THE CITY CLERK)

B. PROPERTY REPORT

AS OF THIS DATE, Building Department records indicate the following:

No outstanding work orders.

NOTE:
THE FOREMENTIONED INFORMATION PERTAINS TO BUILDING DEPARTMENT FILES ONLY. THIS DOES NOT IMPLY A FIELD INSPECTION HAS BEEN CARRIED OUT. YOU MAY WISH TO CONTACT THE HAMILTON FIRE PREVENTION BUREAU, THE HAMILTON-WENTWORTH REGIONAL HEALTH UNIT OR OTHER REGULATORY AUTHORITIES FOR THEIR REQUIREMENTS.

*** THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OF HAMILTON OR ITS OFFICIALS ***



FOR BUILDING COMMISSIONER

CERT. NO. [ZV 92-00005]

DATE ISSUED: 1992 June 3

MAIL TO: Ross & McBride, 1 King Street West, P.O. Box 907, Hamilton, Ontario L8N 3P6 Attention: Peter R. Tice

APPENDIX 5

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe
Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic
Department and Alderman D. Drury, Chairperson, Planning and Development Committee
1993 February 4



The Armorial Bearings of
Forsyth of that ilk

OFFICE OF CHARLES H. FORSYTH

175 Delaware Avenue,

Hamilton, Ontario L8M 1V9

(416) 544-0402

3 (a)

FEB 04 1993

04.02.93

PPH
SW (50)

Secretary,
Planning and Development Committee,
City of Hamilton,
Hamilton, Ontario

Dear Ms/Sir:

Re File ZA-92-45

I wish to submit an objection to the modification proposed for the property located at 185 Delaware Avenue. The proposed modification would increase the capacity of the residential care facility from 9 to 15 persons..

The following are reasons for my objection:

- . the property in question is within a protected residential area, and represents in itself an existing use which would not now be permitted. To intensify that use - and 'lock in' that intensification by way of zoning amendment/adjustment, is not acceptable planning practice. I breaches the purpose of the C District regulations. Such 'adjustments', granted over time, to various properties would, in the end, result in the demise of meaningful protection of a residential area. It would, indeed, die the death of a thousand qualifications!
- . the subject property is not an isolated example of residential care facility/group home/nursing home use. It is one of several examples within a couple of blocks in the Delaware-St Clair-Eastbourne area. Most of us who have lived in the area for some years, have no objection to existing institutions, even though they are more numerous than would now (likely) be permitted. However, to permit growth of such facilities through intensification of densities, would be a most serious, and in my view, retrograde action.
- . there is also the matter of how the proposed 66% increase in resident numbers is to be accomplished within the existing house. It is an imposing residence, but does not admit of the extensive intensification proposed unless one is to move significantly from 'residential' accomodation in the direction of 'warehousing'. I believe that the City has an obligation in such cases to ensure for all residents an appropriate degree of privacy, access to amenity spaces, and a level of 'care' that is more than being 'cooped up' with numerous others. A due opportunity for 'personal space' is not a frill, but an obligation. Frankly, I do not believe the property can achieve such qualities if the proposed resident numbers are agreed to

Sincerely,

Charles H. Forsyth

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1993 February 8

177 Delaware Avenue
Hamilton, Ontario
L8M 1V9

3(b)

RECEIVED

February 1, 1992
FEB - 8 1993

The Secretary, Planning & Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

CITY CLERKS

RE: File ZA 92-45 SQ - 0014

Dear Sirs;

As owners of 175 - 177 Delaware Avenue, we are absolutely opposed to the modification of the zoning laws to increase the Residential Care Facility from nine (9) to fifteen (15) residents at 185 Delaware Avenue. It is rumoured there are twelve (12) people living there now so an infraction of the by-law could already be taking place.

At the present time we have three (3) such residential care businesses within three hundred feet (300) of our home. Our neighbourhood is already saturated with such operations so a further increase of them is a step backwards to the City of Hamilton's Official Plan.

Make no mistake about it Second Level Nursing Homes are good business and once a license to increase capacity is granted, this irreversible change increases their value considerably for future sale.

A few years ago 190 Delaware Avenue applied and received an expanded license amid total opposition from the neighbourhood. Shortly afterwards this business was sold at an enhanced price benefiting the owner and leaving the neighbourhood to cope with more handicapped people.

We are not against serving the unfortunate, in fact every neighbourhood has a moral obligation to do so but this area already has more nursing homes than its fair share.

. . . /2

FILE: ZA 92-45 SQ-0014

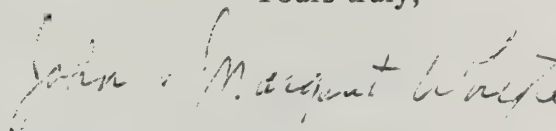
Whyte

Page - 2 -

We have been living in this home since 1948 paying taxes and making extensive improvements over the years. Surely we are entitled to more consideration than people who have moved to this street to operate a business for profit.

May this letter act as our absolute rejection of this application.

Yours truly,



John and Margaret Whyte

P.S. We are unable to attend the February 17th meeting as are out of town on that date.

c.c. Don Dury -

Alderman Ward 3
Chairman of Planning and Development
Committee - Hamilton

c.c. Bernie Morelli -

Alderman - Ward 3

4.1

CITY OF HAMILTON
- RECOMMENDATION - RECEIVED

DATE: February 9, 1993
ZA-92-19
Kirkendall North Neighbourhood

FEB 10 1993

CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in Zoning - No. 412 Charlton Avenue West.

SECOND REPORT

RECOMMENDATION:

- A. That approval be given to Official Plan Amendment No. to redesignate lands municipally known as 412 Charlton Avenue West from "RESIDENTIAL" to "COMMERCIAL", and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to Zoning Application 92-19, Roland P. Baldessarimi, owner, for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, for the property located at 412 Charlton Avenue West, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the subject lands be rezoned from "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District;
 - ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-Law No. 6593, be modified to include the following variances as special requirements:
 - 1. That notwithstanding Section 13C(3) of Zoning By-Law No. 6593, the following requirements shall apply to the subject property:
 - a) That a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the easterly property line; and,
 - b) That a landscape planting strip having a minimum width of 3.0 m shall be provided and maintained along the southerly property line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscape planting strip, except for any area used for vehicular access;

- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-13 be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-13 for presentation to City Council;
- v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth;
- vi) That the Kirkendall North Neighbourhood Plan be amended by redesignating the subject lands from "Single and Double Residential" to "Commercial".

C. That the amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives site plan approval.

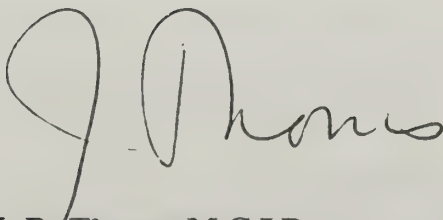
EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, for the property located at 412 Charlton Avenue West, as shown on the attached map.

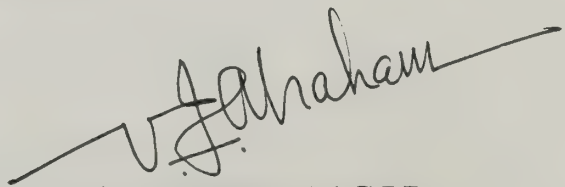
The effect of the by-law is to allow use of the subject lands for additional parking for the Liquor Control Board of Ontario outlet located at No. 233 Dundurn Street South.

In addition, the By-Law provides for the following variances as special provisions:

- a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the easterly property line; and,
- a landscape planting strip having a minimum width of 3.0 m shall be provided and maintained along the southerly property line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m shall be provided and maintained within the landscape planting strip, except for any area used for vehicular access.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant has applied for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings and Townhouses, etc.) District to "G-3" (Public Parking Lots) District for the property municipally known as 412 Charlton Avenue West, to allow use of the subject lands for additional parking for the adjacent Liquor Control Board of Ontario outlet, located at No. 233 Dundurn Street South.

- Public Meeting

At its meeting of September 23, 1992 the Planning and Development Committee **tabled** the subject application with the following instructions:

- (a) That the Traffic Department investigate the feasibility of eliminating on-street parking; and,
- (b) That the residents be recircularized for the next public meeting on this application.

- Zoning Application 82-40

At its meeting of October 26, 1982, City Council approved an application to permit the continuance of an existing parking lot for the property municipally known as 407 Charlton Avenue West. The approval was subject to the following condition:

"That the applicant submit a site plan for the parking lot and obtain approval of the Planning and Development Committee."

To date, this condition has not been fulfilled.

LOT SIZE AND AREA:

- 13.03 m (42.75 ft.) of lot frontage on Charlton Avenue West;
- 37.49 m max. (123.0 ft.) of lot depth; and,
- 491.34 m² (5289.0 sq./ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-Family Dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north, and east	Single-Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the west	Commercial	"H" (Community Shopping and Commercial, etc.) District
to the south	Parking Lot and Single-Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
 - iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan."

The following policies from Subsection A.2.2 - Commercial Uses should be noted:

- "A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
 - i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.38 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands."

The proposed parking lot on the subject lands does not comply with the Official Plan. A redesignation from "Residential" to "Commercial" is required to satisfy Policy A.2.2.38, and Policy A.2.2.34 must be met.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" on the approved Kirkendall North Neighbourhood Plan. The proposal does not comply with the intent of the Plan. If approved, an amendment to the Plan would be required to redesignate the subject lands from "Single and Double Residential" to "Commercial".

RESULTS OF CIRCULARIZATION:

- The following Agency and Department have no comment or objection:

- Hamilton Region Conservation Authority; and,
- LACAC.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

According to our records, the existing road allowance width of Charlton Avenue West is 20.12 m. Therefore, we do not anticipate any further road allowance widenings at this time.

In the absence of any details shown or plans submitted, we advise that any works within the Charlton Avenue West road allowance or the alley must conform to the City Of Hamilton Street By-law.

The Traffic Department is to comment on access design and location.

We recommend that the subject lands be developed through site plan control at which time we will provide detailed comments on grading, landscaping etc.

According to our records, the alley to the rear of the subject lands is public assumed."

- The Traffic Department has advised that:

"We have received complaints from area residents regarding the lack of on-street parking on Charlton Avenue and the surrounding residential streets. We are supportive of the request to rezone these lands to "G-3" (Public Parking Lots) as it may help to alleviate some of the on-street parking problem in this area.

We find this application to be satisfactory subject to the lands being placed under site plan control."

Further to the above the Traffic Department has forwarded the following comment:

"The applicant is requesting to rezone the property to "G-3" (Public Parking Lots) in order to provide additional parking for the Liquor Store at 233 Dundurn Street South. It is our understanding that the size of the Liquor Store will not be increased. Therefore, we do not anticipate that the proposed rezoning will significantly increase the number of vehicle trips presently generated by this site. At best, the additional on-site parking will reduce some of the vehicle congestion in this area of Dundurn Street South. Also, the additional on-site parking may alleviate some of the overflow of commercial parking on Charlton Avenue West which has been a source of complaint by area residents.

Vehicles are presently using the existing driveway on Charlton Avenue to enter and exit the site. However, the driveway is only 4.3 m wide. We recommend that the driveway be widened to a minimum 6.0 m to provide adequate width for the two-way movement of vehicles."

Note:- The Traffic Department will submit a separate report on the feasibility of eliminating on-street parking.

- The Building Department has advised that:

- "1. A 1.03 m wide portion of land measuring from the east property line westerly and extending 6.0 m north of the south property line shall not have any parking spaces located on that portion of land.
2. Any parking space located adjacent to a side lot line or rear lot line of a public parking lot shall be at least 1.5 m from any residential building in an adjacent residential district.
3. A visual barrier, not less than 1.2 m nor more than 2.0 m high, shall be erected along the northerly and easterly lot lines.
4. The parking area shall be paved with asphalt or concrete and drained.
5. Suitable lighting facilities shall be installed and maintained so as to be deflected away from all nearby residential districts.
6. A demolition permit is required for the demolition of the existing house and garage on the lot."

- The H.S.R. has advised that:

"If the property at 412 Charlton Avenue West is to be converted to a parking lot the Hamilton Street Railway would like to relocate from the existing bus stop (17 meters east of Dundurn), adjacent to the LCBO, to a location (37 meters east of Dundurn) east of the present entrance to the LCBO.

H.S.R. Operators on Route 6 Aberdeen/Locke find the left turn from Charlton Avenue West, a one-way street, onto Dundurn awkward.

The present location of the outbound bus stop on Charlton Avenue West, 17 meters east of Dundurn Street, does not afford Operators adequate distance to position themselves fully onto the south side of Charlton Avenue prior to turning left onto Dundurn. Often Operators find themselves positioned to the right of another vehicle also waiting to turn left onto Dundurn. This could be alleviated if our bus stop were relocated to 37 metres east of Dundurn Street; providing Operators adequate room to position buses before turning left from Charlton onto Dundurn.

This was not done earlier due to the resistance of the resident, at 412 Charlton Avenue West, to a bus stop in front of their home."

COMMENTS:

1. Approval of the application would require an amendment to the Official Plan to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL".
2. The proposal would also require an amendment to the approved Kirkendall North Neighbourhood Plan to redesignate the subject lands from "Single and Double" Residential to "Commercial".
3. The proposal has merit and can be supported for the following reasons:
 - it would help to alleviate problems associated with on-street parking on Charlton Avenue West, as noted by the Traffic Department;
 - it would alleviate problems associated with the present location of the existing bus stop, as noted by H.S.R, which could be relocated in front of the subject property; and,
 - it would allow the existing access to be widened to the minimum 6.0 m width, which would improve its current two way operation. It should be noted that traffic exiting the parking area will still be restricted to right turn out only, since Charlton Avenue West is designated one-way west bound.
4. The Building Department has noted that in keeping with the "G-3" (Public Parking Lots) District regulations, a 1.5 m minimum distance separation and visual barrier not less than 1.2 m high and not greater than 2.0 m high will be required along the northerly and easterly property boundaries. It would be appropriate to waive the requirement along the northerly property line since it abuts an alley.

However, notwithstanding the minimum "G-3" (Public Parking Lots) District regulations the following special provisions are recommended:

- a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the easterly property line; and,
- a landscape planting strip having a minimum width of 3.0 m shall be provided and maintained along the southerly property line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscape planting strip, except for any area used for vehicular access.

The above-mentioned landscape planting strip and visual barrier along the easterly and southerly lot lines will mitigate the potential spill over effects (e.g., noise, headlight glare) of the parking area, and will maintain and enhance the existing Charlton Avenue streetscape.

5. The "G-3" (Public Parking Lot) District is subject to Site Plan Control By-Law 79-275 as amended by By-Law No. 87-223. In this regard, concerns related to buffering, fencing, grading, landscaping, parking arrangement, and access will be addressed. However, since a Building Permit is not required for the construction of a parking lot it is recommended that the amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives site plan approval.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/ma
WPZA9219

4.2

CITY OF HAMILTON

- INFORMATION -

RECEIVED

DATE: 1993 February 11
ZA-92-19 - 412 Charlton Avenue West
Kirkendall North Neighbourhood

FEB 11 1993

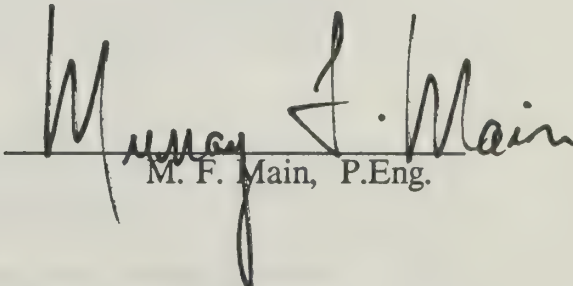
CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. M. F. Main, P. Eng.
Director of Traffic Services

SUBJECT:

On-street Parking Situation Adjacent to Existing Liquor Control Board of Ontario (L.C.B.O.) Outlet at 233 Dundurn Street South.


M. F. Main, P.Eng.

BACKGROUND:

At its meeting of 1992 September 23, the Planning and Development Committee reviewed Zoning Application ZA-92-19 for a property located at 412 Charlton Avenue West. The purpose of the requested by-law change was to permit the existing residential property to be developed into a parking lot for the adjacent liquor store at 233 Dundurn Street South.

Following discussion of the item, the Committee resolved to table the item with instructions which included:

"That the Traffic Department investigate the feasibility of eliminating on-street parking."

The existing liquor store at 233 Dundurn Street South is located on the north-east corner of Dundurn Street South and Charlton Avenue West. This store currently has an off-street parking lot which can accommodate approximately 15 vehicles and has direct access to both Dundurn Street and Charlton Avenue. Immediately to the north of this property is a Brewers Retail outlet with its own parking lot. These two uses occupy the full block between Charlton Avenue and Chatham Street. Parking, although limited in number, is allowed along the east side of this block with a one hour parking time limit in effect between 8:00 a.m. and 6:00 p.m.

The west side of Dundurn Street, from Charlton Avenue to Chatham Street, is divided with the northern half not allowing any parking and the southern half limiting parking to one hour between 8:00 a.m. to 6:00 p.m., Monday through Friday.

In order to assess the existing traffic situation, Traffic Department staff spoke with representatives from the L.C.B.O. store and determined that the 5:00 p.m. to 6:00 p.m. weekday period, particularly on Fridays, was a peak period of business. Staff observed activity in the area on two separate occasions during this afternoon rush hour period. It should be noted that this facility is open until 10:00 p.m. on certain days and movements to and from this block would be characterized as "busy" during several periods on an average day.

During our investigations the following observations were made:

- there was a considerable number of pedestrians crossing Dundurn Street South. The majority of this traffic was created by people parking on the street and crossing Dundurn Street South to go to the beer and liquor stores;
- customers parked in the L.C.B.O. parking lot but would shop at both the beer and L.C.B.O. outlets;
- the combination of on-street parking and vehicles waiting to turn left from Dundurn Street South into the L.C.B.O. parking lot sometimes blocked southbound traffic. This resulted in queues extending north of Chatham Street;
- drivers parked their vehicles on the street even when parking spaces were readily available in the off-street lot;
- during a one hour period, there were seven occasions when the parking lot was full and vehicles remained waiting in the aisle;
- when the lot was full, vehicles were observed backing out onto Dundurn Street South in order to find alternate parking;
- vehicles had difficulty entering the L.C.B.O. parking lot when other vehicles were waiting to exit because of the relatively narrow access.

- there were no serious delays for vehicles entering the Dundurn Street South traffic stream.
- vehicles were observed being left in "No Parking" areas on Dundurn Street South while their occupants shopped at either the beer or L.C.B.O. outlets.

Based on the above observations we offer the following conclusions:

1. Parking on the west side of Dundurn Street South, opposite the existing L.C.B.O. entrance, should be prohibited to allow southbound traffic the opportunity to bypass left turning traffic. We will be speaking with representatives of the Board of Education who own the adjacent property with regards to altering the existing "No Parking" area and making it a "No Stopping" area instead.
2. Other existing on-street parking does not appear to seriously effect movements to or from Dundurn Street South.
3. The prohibition of additional on-street parking would likely only result in a higher parking violation rate as opposed to actually removing on-street parking during periods of high demand.
4. Widening of the existing L.C.B.O. access to Dundurn Street South would ease movements to and from the existing parking lot. While the existing L.C.B.O. site is not the subject of site plan control, we believe this issue could be addressed while dealing with a site plan for 412 Charlton Avenue West.
5. Expansion of the available off-street parking facilities, as contemplated by Zoning Application ZA-92-19, will aid in simplifying the existing traffic situation but it is unlikely to eliminate all on-street parking currently associated with these retail outlets.

In summary, the Traffic Department supports the proposed rezoning of 412 Charlton Avenue West to allow for an expansion of the parking facilities at the existing L.C.B.O. outlet at 233 Dundurn Street South. The expanded off-street facility will provide additional off-street parking opportunity while also providing a means of addressing some current design deficiencies. While not removing all on-street parking associated with this facility, it will effect the existing situation positively.

RK/ks

BRIAN SAYER 64 CHATHAM ST. 529 2738

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee

4 (a)

1993 February 10

January 27. 1993

2A-12 RECEIVED

RE: Proposed car park expansion at the LCBO on Dundurn St.

FEB - 5 1993

The problems associated with this Liquor Store cannot be considered without reference to the adjacent Beer Store. This entire area has become a nightmare for the local residents due to increased traffic flow, the parking problem, the traffic violations, concern for pedestrian safety, the sale of other items on the street and the piles of garbage left strewn around after a busy weekend. In general, these problems have increased as later opening hours have been allowed. CITY CLERKS

The parking problem cannot be looked at without considering traffic volume and traffic flow as well as access to parking lots. In the case of the the Liquor Store, all exits lead to Dundurn St., an already busy street with cars trying to enter the Liquor Store and Beer Store. Expanding the car park will not solve this problem: Charlton Ave is a one-way residential street.

On busy weekends, traffic is often backed up for several blocks, sometimes making it almost impossible to enter Chatham St. which is only accessible from Dundurn St.

Pedestrian safety is frequently at risk: vehicle access to these Store car parks is via a ramp across the sidewalk. In a mall or shopping plaza, entrances are clearly defined with a curb and a break in the sidewalk.

The area has attracted persons not purchasing anything from these stores, e.g., persons begging for money, persons selling flowers, chocolate bars, vegetables from the trunk of a car, electronic equipment (of unknown origin) from a van in the car park. There is now a hot dog stand which often impedes pedestrian traffic.

Vandalism has steadily increased in the area, not necessarily due to these stores, however, there has been considerable property damage in the alleyway whose entrance is between these two stores.

Traffic violations are numerous and range from illegal parking and driving the wrong way down a one-way street to speeding down Chatham St., particularly at night.

The question arises as to why these two Stores, located in the middle of a predominantly residential neighbourhood, with limited access and parking, are allowed to stay open so late, 10:00 and 11:00 pm. The liquor store is bounded by houses on three sides. Other Liquor Stores in the area, e.g. in Main West Mall or the one adjacent to "Swiss Chalet" on York Blvd. have ample parking, however they close at 6:00 pm for much of the week.

The removal of a house to enlarge the parking area will not solve these problems.

RECOMMENDATIONS:

In the short term:

1. Close these stores at 6:00 pm and encourage the use of other stores.
2. Eliminate street parking in the vicinity of these stores and provide turn lanes.
3. Improved policing.

In the long term:

Find a better location for both of these stores where there is good road access and adequate parking, e.g., Dundurn Place, Radio Centre plaza or the Mr. Grocer location on Dundurn St. S.

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. N. Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee

February 8.

- 1993 February 11

FROM: B.G.Saver, 64 Chatham St., Hamilton, ON. L8P2B4. (529-2738)

RECEIVED

466

RE: Opposition to the proposed car park expansion at the LCBO on Dundurn St.

FEB 10 1993

The problems associated with this Liquor Store cannot be considered without reference to the adjacent Beer Store. This entire area has become a nightmare for the local residents due to increased traffic flow, the parking problem, the traffic violations, concern for pedestrian safety, the sale of other items on the street and the piles of garbage left strewn around after a busy weekend. In general, these problems have increased as later opening hours have been allowed.

CITY CLERKS

The parking problem cannot be looked at without considering traffic volume and traffic flow as well as access to parking lots. In the case of the the Liquor Store, all exits lead to Dundurn St. and will continue to do so in the event of an expanded car park.

On busy weekends, traffic is often backed up for several blocks, sometimes making it almost impossible to enter Chatham St. which is only accessible from Dundurn St.

Traffic accidents appear to be on the increase, for example, the numerous accidents at the Dundurn/Aberdeen intersection.

Pedestrian safety is frequently at risk: vehicle access to these Store car parks is via a ramp across the sidewalk. In a mall or shopping plaza, entrances are clearly defined with a curb and a break in the sidewalk.

Personal injury has also occurred on cross streets approaching Dundurn St.

The area has attracted persons not purchasing anything from these stores, e.g., persons begging for money, persons selling flowers, chocolate bars, vegetables from the trunk of a car, electronic equipment (of unknown origin) from a van in the car park. There is often a hot dog stand whose patrons block the sidewalk.

Vandalism has steadily increased in the area, not necessarily due to these stores, however, there has been considerable property damage in the alleyway whose entrance is between these two stores. Examples include a car vandalised at the rear of 63 Chatham St. and a garage set on fire at the rear of 402 Charlton Ave.

Traffic violations are numerous and range from illegal parking and driving the wrong way down one-way streets to speeding down Chatham St., particularly at night.

The question arises as to why these two Stores, located in the middle of a predominantly residential neighbourhood, with limited access and parking, are allowed to stay open so late, 10:00 and 11:00 pm. The liquor store is bounded by houses on three sides. Other Liquor Stores in the area, e.g. in Main West Mall or the one adjacent to "Swiss Chalet" on York Blvd. have ample parking, however they close at 6:00 pm for much of the week. Most liquor stores in the Hamilton area are now in malls or plazas

The main problems at these two stores are pedestrian safety and traffic volume particularly in the early evening and on weekends. The removal of a house to enlarge the parking area will not solve these problems.

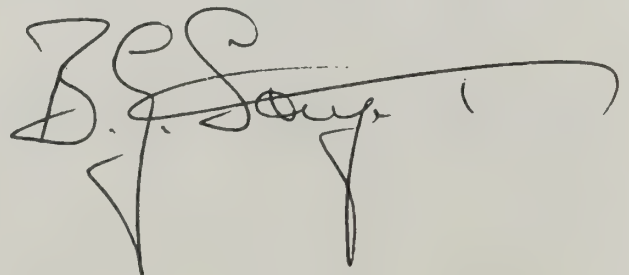
RECOMMENDATIONS:

In the short term:

1. Close these stores at 6:00 pm and encourage the use of other stores.
2. Eliminate street parking in the vicinity of these stores and provide turn lanes.
3. Improved policing.

In the long term:

Find a better location for both of these stores where there is good road access and adequate parking, e.g.. Dundurn Place, Radio Centre plaza or the Mr. Grocer location on Dundurn St. S.



Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé
Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic
Department and Alderman D. Drury, Chairperson, Planning and Development Committee
1993 February 10

4 (cc)
Shirley Anne Deans
2 - 409 Charlton Avenue, West
Hamilton, Ontario
L8P 2E6

February 8, 1993

Tina Agnello
Secretary, Planning & Development Committee
The Corporation of the City of Hamilton
71 Main Street, West
Hamilton, Ontario
L8N 3T4

RECEIVED

FEB - 9 1993

RE: Planning Department File # ZA-92-19

Property located at No. 412 Charlton Avenue, West CITY CLERKS

Dear Tina:

I would like to take this opportunity to express my sincere opposition regarding the zoning change that would allow for increased parking for the Liquor Control Board.

I hope you will appreciate my candour as I feel it is necessary to help with the clarity of my objections.

1) I have lived 33 years between 411 Charlton Avenue, West and 409 Charlton Avenue, West. I feel I have a major investment in this neighbourhood, I call it home. Try as I may, I can't see to what avail the loss of yet another house for parking will be. One loss is almost assured if this proposal is granted, and that will be the loss of the Deans family to the neighbourhood. As it stands, we now live with a huge parking lot that is owned by Mellows on Dundurn Street, South and is directly behind and to the side of my home. I have seen the loss of three houses on Dundurn Street, South and one on Charlton Avenue West to provide for this parking lot alone.

2) I feel that we have more than ample parking in this area, eg: Mellows, the existing Liquor Control Board and the Brewers Retail lots, as well as street parking on Herkimer, Charlton, Chatham, Dundurn, and all of the other side streets in the area.

3) I fail to see how the traffic flow will be helped in anyway or lightened by the presents of still more parking.

4) We have three schools, Earl Kitchener, St. Joseph's, and Ryerson schools, that have children in attendance from J.K. to Grade 8. It will be yet another hazard for the children and their safety. These children are already dealing with fast moving traffic and a very busy area in general.

5) It is my opinion that Roalando Baldessarimi has shown blatant disregard for the neighbourhood and the people who call it home. Mr. Baldessarimi lived in the house in question less than one year before putting in for the zoning change. It would appear to me that he is only interested in turning a buck or flipping this property to make a few dollars and move off to a nice neighbourhood leaving the rest of us a parking lot.

6) A neighbourhood that has more parking than homes can only decrease the value for the residential home owners in the area.

Tina, I hope you will take some if not all of my concerns into consideration. I am sending this with sincere hopes to save my neighbourhood. I am sure that you will find that I'm not alone with my concerns.

I would also appreciate it if you would be kind enough to forward a copy of my letter to any and all members of the committee that is involved with the meeting on February 17, 1993 regarding this matter.

Yours truly,

A handwritten signature in cursive script, appearing to read "Shirley Deans". The signature is written in dark ink and is positioned above the printed name.

Shirley Deans

- Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee
- 1993 February 11

The Secretary
Planning & Development
City Hall, Hamilton

RECEIVED

FEB 11 1993

93.02.10

4cd

Please find enclosed the "Business
Reply Card" and brief letter from myself
concerning the proposed zoning change
at 412 Charter Ave. W. File ZA-92-19

Please copy the letter to all
P+D Committee members and the mayor.

Thank you,



Pete Summich

CITY CLERKS

FEB 11 1993

RECEIVED

February 10, 1993

Planning and Development Committee
attn: The Secretary
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: File: ZA - 92 - 19
Proposed Zoning change to 412 Charlton Avenue West to accomodate the Liquor
Control Board of Ontario (LCBO) outlet

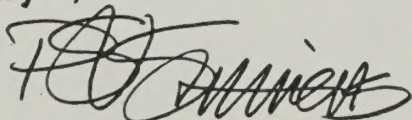
With reference to the above, please be advised that we are opposed to the proposed change to zoning designation. We are very concerned with this proposal and believe that a change in zoning will have a negative effect on our neighbourhood.

Our primary concerns are:

- a) that the residential atmosphere of this neighbourhood will be reduced by having to accommodate a LCBO outlet that caters to far more than the community for which it was originally intended;
- b) that the increased parking area will encourage the possibility of future LCBO expansion and possibly more zoning changes;
- c) that there is already an abundance of under used parking facilities in the area which could be utilized by a relocated LCBO; and
- d) that increased parking facilities encourages the use of automobiles which must then cross sidewalks thereby increasing the risk to pedestrians and especially, children.

We suggest that the Planning and Development Committee encourage the relocation of the LCBO facility, presently on Dundurn Street, to another more suitable location that can accommodate the parking needs of the LCBO.

Thank you,



Peter and Patricia Simmons
382 Charlton Avenue West
Hamilton, Ontario
L8P 2E7

cc: Planning and Development Committee Members
Mayor R. Morrow

Page 10 of 10

Planning and Development Committee
11/12/2015
11/12/2015
11/12/2015
11/12/2015
11/12/2015

11/12/2015
11/12/2015
11/12/2015
11/12/2015
11/12/2015

11/12/2015
11/12/2015
11/12/2015
11/12/2015
11/12/2015

11/12/2015
11/12/2015
11/12/2015
11/12/2015
11/12/2015

11/12/2015
11/12/2015
11/12/2015
11/12/2015
11/12/2015

11/12/2015
11/12/2015
11/12/2015
11/12/2015
11/12/2015

11/12/2015
11/12/2015
11/12/2015
11/12/2015
11/12/2015

11/12/2015
11/12/2015
11/12/2015
11/12/2015
11/12/2015

11/12/2015
11/12/2015
11/12/2015
11/12/2015
11/12/2015

11/12/2015
11/12/2015
11/12/2015
11/12/2015
11/12/2015

11/12/2015
11/12/2015
11/12/2015
11/12/2015
11/12/2015

11/12/2015
11/12/2015
11/12/2015
11/12/2015
11/12/2015





3 2022 21334471 2